

Exhibit X

DONNETTE WENGER - 03/12/2018

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEW JERSEY  
3  
4 KIMBERLEE WILLIAMS,                   ) CASE NO. 2:11-CV-01754  
et al.,                                    ) (JLL)(JAD)  
5   )  
                  Plaintiffs,         )  
6   )  
versus                                    )  
7   ) CONTINUED DEPOSITION OF  
BASF CATALYSTS, LLC,                 )  
8 et al.,                                 ) DONNETTE WENGER  
                                       )  
9                   Defendants.         )

10 - - - - -  
11 Volume II  
- - - - -

Continued Deposition of DONNETTE WENGER, a  
Plaintiff herein, called by the Defendants for  
Cross-Examination pursuant to the Federal Rules of  
Civil Procedure, taken before me, the undersigned,  
Anika W. Patrick, a Registered Merit Reporter,  
Certified Realtime Reporter and Notary Public in and  
for the State of Ohio, at the offices of Thompson Hine,  
LLP, 3900 Key Center, 127 Public Square, Cleveland,  
Ohio, on Monday, March 12, 2018, at 9:03 a.m.

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<p>1 APPEARANCES:</p> <p>2 On Behalf of the Plaintiffs:</p> <p>3 William L. Kuzmin, Esq.</p> <p>4 Cohen, Placitella &amp; Roth</p> <p>5 127 Maple Avenue</p> <p>6 Red Bank, New Jersey 07701</p> <p>7 732.747.9003</p> <p>8 wkuzmin@cprlaw.com</p> <p>9 --- and ---</p> <p>10 Eric S. Pasternack, Esq.</p> <p>11 Two Commerce Square</p> <p>12 2001 Market Street, Suite 2900</p> <p>13 Philadelphia, Pennsylvania 19103</p> <p>14 215.567.3500</p> <p>15 epasternack@cprlaw.com</p> <p>16 On Behalf of the Defendant BASF Catalysts, LLC:</p> <p>17 Peter A. Farrell, Esq.</p> <p>18 Elizabeth Dalmut, Esq.</p> <p>19 Kirkland &amp; Ellis, LLP</p> <p>20 655 Fifteenth Street, Northwest, Suite 1200</p> <p>21 Washington, D.C. 20005</p> <p>22 202.879.5000</p> <p>23 Peter.farrell@kirkland.com</p> <p>24 Elizabeth.dalmut@kirkland.com</p> <p>25 On Behalf of the Defendants Cahill Gordon &amp; Reindel, LLP, Howard G. (Peter) Sloane, and Ira J. Dembrow (Via Telephone):</p> <p>Anthony Vale, Esq.</p> <p>Pepper Hamilton, LLP</p> <p>3000 Two Logan Square</p> <p>Eighteenth and Arch Streets</p> <p>Philadelphia, Pennsylvania 19103-4750</p> <p>215.981.4000</p> <p>valea@pepperlaw.com</p>	<p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION BY PAGE</p> <p>4 Mr. Farrell 200</p> <p>5</p> <p>6 PLAINTIFF'S EXHIBITS MARKED</p> <p>7 None</p> <p>8</p> <p>9 DEFENDANT'S EXHIBITS MARKED/FIRST REFERENCE PAGE</p> <p>10 43, Deposition Transcript of Jennifer Graham, Dated July 3, 2008 286</p> <p>11 62, Deposition Transcript of Donnette Wengerd, Dated April 6, 2017 202</p> <p>12 63, Plaintiff Donnette Wengerd's Supplemental Answers to BASF Catalysts LLC's First Set of Interrogatories 260</p> <p>13 64, Plaintiff Donnette Wengerd's Response to BASF Catalysts LLC's Second Set of Interrogatories 268</p> <p>14 65, Attorney Agreement 271</p> <p>15 66, Graham/Wengerd Settlement Payments 274</p> <p>16 67, A-Best Release 274</p> <p>17 68, APG Release 274</p> <p>18 69, AWI Release 274</p> <p>19 70, AWI Increase 274</p> <p>20 71, B&amp;W Release 274</p> <p>21 72, Celotex Settlement Entry 274</p> <p>22 73, Celotex Release 274</p> <p>23 74, H-W Release 274</p>
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<p>1 APPEARANCES (Continued):</p> <p>2 On Behalf of the Defendant Thomas D. Halket: (Via Telephone):</p> <p>3 Eric Tunis, Esq.</p> <p>4 Herold Law, PA</p> <p>5 25 Independence Boulevard</p> <p>6 Warren, New Jersey 07059</p> <p>7 908.647.1022</p> <p>8 Etunis@heroldlaw.com</p> <p>9 On Behalf of the Defendant Arthur Dornbusch (Via Telephone):</p> <p>10 John A. Boyle, Esq.</p> <p>11 Marino, Tortorella &amp; Boyle, PC</p> <p>12 437 Southern Boulevard</p> <p>13 Chatham Township, New Jersey 07928</p> <p>14 973.824.9300</p> <p>15 Jboyle@khmarino.com</p> <p>16 -----</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X (Continued)</p> <p>2 DEFENDANT'S EXHIBITS MARKED/FIRST REFERENCE PAGE</p> <p>3 75, Fiberboard, U.S. Gypsum Settlement Entry 274</p> <p>4 76, Garlock and OI Settlement Entry 274</p> <p>5 77, Garlock Release 274</p> <p>6 78, Garlock Sealing Check 274</p> <p>7 79, General Electric Release 274</p> <p>8 80, Goodrich Settlement 274</p> <p>9 81, Halliburton Settlement Entry 274</p> <p>10 82, JM and Goodrich Settlement Entry 274</p> <p>11 83, Johns Manville Check 274</p> <p>12 84, Kaiser Check 274</p> <p>13 85, Kaiser Release 274</p> <p>14 86, Mahoning Valley Supply Check 274</p> <p>15 87, Mahoning Valley Supply Settlement Entry 274</p> <p>16 88, National Gypsum/Armstrong Settlement Entry 274</p> <p>17 89, Owens-Corning Settlement Entry 274</p> <p>18 90, Owens-Corning Settlement 274</p> <p>19 91, OC Release 274</p> <p>20 92, OC Increase Check 274</p> <p>21 93, FB Release 274</p> <p>22 94, OI Check 274</p> <p>23 95, Plibrico Release 274</p> <p>24 96, Raytech Settlement Entry 274</p> <p>25 97, TN Release 274</p>

<p style="text-align: right;">Page 197</p> <p style="text-align: center;">I N D E X (Continued)</p> <p>DEFENDANT'S EXHIBITS MARKED/FIRST REFERENCE PAGE</p> <p>98, Travelers Release 274</p> <p>99, Travelers Check 274</p> <p>100, TN Settlement 274</p> <p>101, Full and Final Release, OC 274</p> <p>102, USG Release 274</p> <p>103, Database of Cases 284</p> <p>104, Plaintiff's Brief in Opposition to Motion for Summary Judgment Filed by RT Vanderbilt, Inc. 289</p> <p>105, E-Mail Chain 299</p> <p>106, Case Information 299</p> <p>-----</p>	<p style="text-align: right;">Page 199</p> <p>1 her right to assistance of counsel in those</p> <p>2 lines of questioning.</p> <p>3 MR. FARRELL: This is Peter Farrell for</p> <p>4 BASF. Let me just say in response to</p> <p>5 Mr. Kuzmin's comments that the Special</p> <p>6 Discovery Master entered an order granting in</p> <p>7 part BASF's motion for sanctions based on the</p> <p>8 last deposition. That order provided for the</p> <p>9 no contact provision Mr. Kuzmin is referring</p> <p>10 to. No appeal was taken by the Plaintiffs</p> <p>11 from that order.</p> <p>12 It was then later a motion for</p> <p>13 reconsideration filed concerning specific</p> <p>14 objections that had been raised at the last</p> <p>15 deposition. The Plaintiffs filed that motion</p> <p>16 for reconsideration, then withdrew the motion</p> <p>17 for reconsideration and agreed that the</p> <p>18 deposition can go forward today without the</p> <p>19 reassertion of those objections.</p> <p>20 So BASF and, I assume, the remaining</p> <p>21 Defendants obviously disagree with</p> <p>22 Mr. Kuzmin's position, but we both stated our</p> <p>23 positions on the record.</p> <p>24 MR. KUZMIN: Fair enough. And I would</p> <p>25 have one request, Mr. Farrell, given that</p>
<p style="text-align: right;">Page 198</p> <p>1 MR. KUZMIN: Good morning. This is Bill</p> <p>2 Kuzmin from Cohen, Placitella &amp; Roth. I'm</p> <p>3 here today on behalf of Ms. Wengerd. Our</p> <p>4 office understands the ruling of the Special</p> <p>5 Master in this case. Take a quick interlude.</p> <p>6 (Discussion off the record.)</p> <p>7 MR. KUZMIN: Getting back to what I had</p> <p>8 started to say, we understand the ruling of</p> <p>9 the Special Master as it pertains not only to</p> <p>10 questions relating to those that were</p> <p>11 objected to when Ms. Wengerd was not allowed</p> <p>12 to answer in her last deposition on the basis</p> <p>13 of privilege, but also the ruling that other</p> <p>14 questioning may take place of Ms. Wengerd</p> <p>15 outside of those areas.</p> <p>16 Keeping in line with the Special Master's</p> <p>17 ruling that we were not allowed to have any</p> <p>18 conversation with Ms. Wengerd in order to</p> <p>19 prep her for today's session, we would just</p> <p>20 respectfully object to the questioning that</p> <p>21 would take place outside of those areas for</p> <p>22 which privilege was asserted, because it</p> <p>23 would be our position that she did not have</p> <p>24 an opportunity to meet with counsel</p> <p>25 beforehand and therefore has been deprived of</p>	<p style="text-align: right;">Page 200</p> <p>1 Ms. Wengerd's original deposition was back in</p> <p>2 April and that we have not had an opportunity</p> <p>3 to meet with her, prep her for this session,</p> <p>4 that you would be so kind as to give her the</p> <p>5 ground rules again of a deposition,</p> <p>6 specifically related to if she doesn't know</p> <p>7 an answer, you need to take a break, things</p> <p>8 of that nature.</p> <p>9 MR. FARRELL: Sure. I would be happy to</p> <p>10 do that.</p> <p>11 MR. KUZMIN: Thank you.</p> <p>12 MR. FARRELL: Mrs. Wengerd, are you ready</p> <p>13 to go?</p> <p>14 WHEREUPON,</p> <p>15 DONNETTE WENGERD,</p> <p>16 after being first duly sworn, as hereinafter</p> <p>17 certified, testified as follows:</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY MR. FARRELL:</p> <p>20 Q. So you heard Mr. Kuzmin, your counsel, just refer</p> <p>21 now to the ground rules of how these things work.</p> <p>22 You and I were together nine months or whatever it</p> <p>23 was ago?</p> <p>24 A. Uh-huh.</p> <p>25 Q. I know you've done at least one of these before,</p>

<p style="text-align: right;">Page 201</p> <p>1 but you appreciate what's going to happen here.</p> <p>2 I'm going to ask questions. Your obligation is to</p> <p>3 respond to them as truthfully and accurately as</p> <p>4 you can. If you don't understand a question I've</p> <p>5 asked you, I'm going to assume you've understood</p> <p>6 it unless you told me you didn't understand what I</p> <p>7 asked. So if you're confused about something,</p> <p>8 please say so, because otherwise, when you respond</p> <p>9 to the question, we're going to assume that you</p> <p>10 understood what I said.</p> <p>11 A. Understand. Okay.</p> <p>12 Q. As Mr. Kuzmin said, we can take breaks over the</p> <p>13 course of the deposition. So if you need to take</p> <p>14 a break at any point, just let me know. Okay?</p> <p>15 A. Okay.</p> <p>16 Q. Any questions about any of that?</p> <p>17 A. No.</p> <p>18 Q. Any reason you can't give truthful, complete</p> <p>19 testimony today?</p> <p>20 A. No.</p> <p>21 Q. Now, you and I were together last April for your</p> <p>22 deposition in this case, the Williams case. Did</p> <p>23 you review the transcript of that deposition,</p> <p>24 your -</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 203</p> <p>1 there thinking there was anything that you had</p> <p>2 said that was inaccurate or needed to be corrected</p> <p>3 in any way?</p> <p>4 MR. KUZMIN: Object to form. You can</p> <p>5 answer it.</p> <p>6 A. I don't think so.</p> <p>7 Q. As you sit here today, are you aware of any</p> <p>8 testimony you gave in your April 6th, 2017</p> <p>9 deposition that would need to be corrected in any</p> <p>10 way?</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. What did you do to prepare for today's deposition?</p> <p>13 You can set that document aside for a second.</p> <p>14 A. I did briefly just go over some of the previous</p> <p>15 information that was sent to me about when the</p> <p>16 case was originally filed to familiarize myself</p> <p>17 with some of the names that were questioned about.</p> <p>18 That's all.</p> <p>19 Q. That's all? What previous information did you</p> <p>20 review?</p> <p>21 A. There were some names that were asked about that I</p> <p>22 either couldn't remember or didn't know, so I</p> <p>23 tried to make myself a little bit more familiar</p> <p>24 with the different names of people or testimony</p> <p>25 that was asked of me about.</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. - April 2017 deposition? Can we mark this?</p> <p>2 MR. KUZMIN: I don't mean to cut you off.</p> <p>3 Ms. Wengerd should be advised she's still</p> <p>4 under oath from last time, unless you want to</p> <p>5 swear her in again?</p> <p>6 MR. FARRELL: Yes. I thought she was</p> <p>7 sworn.</p> <p>8 THE COURT REPORTER: She was sworn in.</p> <p>9 MR. KUZMIN: I apologize.</p> <p>10 MR. FARRELL: I couldn't figure out if I</p> <p>11 needed the extra cup of coffee or if you</p> <p>12 needed the extra cup of coffee.</p> <p>13 Could you mark this as DX62?</p> <p>14 (Whereupon, Defendant's Exhibit 62 was</p> <p>15 marked for identification.)</p> <p>16 Q. Mrs. Wengerd, I've handed you what I've marked as</p> <p>17 Defense Exhibit 62, which is the transcript of</p> <p>18 your last deposition, April 6, '17 in the Williams</p> <p>19 case. Did Plaintiffs' counsel provide you with a</p> <p>20 copy of this transcript shortly after that</p> <p>21 deposition?</p> <p>22 A. No.</p> <p>23 Q. So you haven't had an opportunity to review it?</p> <p>24 A. No.</p> <p>25 Q. After the deposition last time, did you leave</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Well, which - withdrawn.</p> <p>2 Which documents did you review in</p> <p>3 preparation for your deposition?</p> <p>4 A. I believe it was the original filing.</p> <p>5 Q. You say "the original filing." You mean the</p> <p>6 complaint in this case?</p> <p>7 A. Yes.</p> <p>8 Q. Other than the complaint in this case, did you</p> <p>9 review any documents to prepare for your</p> <p>10 deposition today?</p> <p>11 A. No.</p> <p>12 Q. When did you review the complaint to prepare for</p> <p>13 today's deposition?</p> <p>14 A. Not long after we last met, which was nine months</p> <p>15 ago.</p> <p>16 Q. Okay. So what I'm trying to get at is whether you</p> <p>17 looked at any documents to prepare for your</p> <p>18 deposition today.</p> <p>19 A. No.</p> <p>20 Q. Did you do anything to prepare for your deposition</p> <p>21 today as opposed to the last one?</p> <p>22 A. Nope.</p> <p>23 Q. Did you speak to anybody about the fact that you</p> <p>24 were being deposed today?</p> <p>25 A. I was only notified by my attorney. That was the</p>

<p style="text-align: right;">Page 205</p> <p>1 only thing that I had communication or prepared  2 about is where to show up.  3 Q. Who told you where to show up?  4 A. It was sent to me in an e-mail, and it was an  5 attachment to an e-mail for the address that was  6 in that.  7 Q. Okay. Did it say anything else?  8 A. No.  9 Q. Who sent the e-mail?  10 A. I think it was an assistant. I can pull up her  11 name off the e-mail if you need.  12 Q. Did the e-mail say anything about the deposition  13 today?  14 A. Time and place. That was it.  15 Q. Have you had any communications with anyone  16 associated with the Cohen Placitella firm since  17 your April 2017 deposition?  18 A. Yes.  19 Q. When was that?  20 A. I had a phone call from Jared a month ago, maybe a  21 little more, just letting me know there was going  22 to be another deposition, but that was all.  23 He – I was told he couldn't prepare me for it,  24 couldn't answer any questions, just that he was  25 letting me know. That was via phone.</p>	<p style="text-align: right;">Page 207</p> <p>1 you mentioned it was after the hearing. What  2 hearing was that?  3 A. I'm sorry. Deposition.  4 Q. Deposition?  5 A. Yeah. It was just to – just to check in.  6 Q. Okay. So no one from the Cohen Placitella firm  7 had any communications with you concerning your  8 deposition in April 2017?  9 A. That's correct.  10 Q. What about anyone from the Bevan firm? Have you  11 had any communications with anybody from the Bevan  12 firm since your April 2017 deposition?  13 A. No.  14 Q. No e-mails?  15 A. I don't believe so. I think the assistant I've  16 spoken with was with the Placitella firm. I don't  17 believe I've had any – I don't think I've had any  18 e-mails or anything to do with the Bevan firm.  19 Q. Letters from the Bevan firm?  20 A. They send us stuff, you know, letting us know  21 about, you know, different issues that are coming  22 on the ballot that are general in nature, but  23 nothing specific to me or the case. But I think  24 that's all I received from them.  25 Q. What do you mean by "coming on the ballot"?</p>
<p style="text-align: right;">Page 206</p> <p>1 Q. Okay. Did he say anything other than that?  2 A. Nope.  3 Q. Other than this one phone call with Jared  4 Placitella, have you had any other communications  5 with the Cohen – anyone from the Cohen Placitella  6 firm since your April 2017 deposition?  7 MR. KUZMIN: Objection to form. You mean  8 in addition to the e-mails and Jared?  9 Q. Other than the one e-mail you told me about and  10 the one phone call from Jared.  11 A. There have been a couple of e-mails going back and  12 forth between the assistant and me just because  13 there was a rescheduling and just general e-mails  14 about when and where and what the new time and  15 place was going to be, things of that nature. Or  16 to let her know that I received e-mails.  17 And I've also spoken with that assistant  18 just about scheduling and did I receive an e-mail.  19 But nothing subsequent to the nature of the case.  20 I think I may have had one previous phone call  21 with Jared just to check in not long after the  22 last hearing, but I can't remember exactly when.  23 And we didn't really talk about anything other  24 than, you know – that was all.  25 Q. So the second phone call with Jared Placitella,</p>	<p style="text-align: right;">Page 208</p> <p>1 A. Just different – making us aware of different  2 issues that, you know, might be coming up on a  3 future ballot. They're informational in nature  4 and that's all.  5 Q. What do you mean by "ballot"? Like a voting  6 ballot?  7 A. Yes.  8 Q. In what context?  9 A. Just – just as far as these are future laws that  10 could be, you know, set forth on the ballot. You  11 know, please encourage your representative to vote  12 this way or vote that way. Just general in  13 nature.  14 Q. Do any of these ballots relate to asbestos cases  15 or is it something else?  16 A. I believe so. I don't – I don't really read  17 through them because I don't take that into  18 consideration when I'm voting. So I'm sorry I  19 have to be vague, but I really don't look through  20 them.  21 Q. Have you spoken to Tom Bevan since your April 2017  22 deposition?  23 A. No.  24 Q. Have you spoken to, I believe you told me you had  25 met a man named Pat Walsh at the Bevan firm,</p>

<p style="text-align: right;">Page 209</p> <p>1 correct?</p> <p>2 A. Correct. I have met him.</p> <p>3 Q. Have you had any communications with Mr. Walsh</p> <p>4 since your 2017 deposition?</p> <p>5 A. No.</p> <p>6 Q. What about Erin Clark at the Bevan firm?</p> <p>7 A. I don't think so. She – she tends to be, again,</p> <p>8 a person that will send things in the mail, but I</p> <p>9 don't think I've spoken with her, either.</p> <p>10 Q. So no updates from the Bevan firm regarding</p> <p>11 bankruptcy trust claims you've made, for example?</p> <p>12 A. No.</p> <p>13 Q. No communications with the Bevan firm about this</p> <p>14 case, the Williams case?</p> <p>15 A. No.</p> <p>16 Q. Are you represented by any counsel other than the</p> <p>17 Cohen Placitella firm and the Bevan firm?</p> <p>18 A. No.</p> <p>19 MR. KUZMIN: Object to form.</p> <p>20 Q. That was a "no"?</p> <p>21 A. That was a "no."</p> <p>22 Q. So the last time, then, that you would have spoken</p> <p>23 to Mr. Bevan was shortly before your April 2017</p> <p>24 deposition, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 211</p> <p>1 with our office being present? Because my</p> <p>2 understanding was, and I'm trying to follow</p> <p>3 with what the Special Master said, my</p> <p>4 understanding was that there could be issues</p> <p>5 that if there was discussions related to this</p> <p>6 particular case where we were present, that</p> <p>7 could fall under attorney-client privilege.</p> <p>8 If it was with Mr. Bevan by himself, I</p> <p>9 understand that that may be fair game. So</p> <p>10 I'm just asking for a context.</p> <p>11 MR. FARRELL: Let me try to address that.</p> <p>12 MR. KUZMIN: Sure.</p> <p>13 Q. But first, can you answer the question I asked</p> <p>14 you? I'm only asking about what Mr. Bevan said,</p> <p>15 not what Mr. Coren or anybody else said.</p> <p>16 MR. KUZMIN: Peter, respectfully, if it</p> <p>17 was conversations with Mr. Bevan while we</p> <p>18 were there, it could be privileged and –</p> <p>19 Q. Your conversation with Mr. Bevan occurred during a</p> <p>20 meeting shortly before your April 2017 deposition;</p> <p>21 is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. Who was in the meeting?</p> <p>24 A. The attorneys from the Placitella firm were</p> <p>25 present while I spoke with Mr. Bevan. Forgive me</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. So you remember that last – withdrawn.</p> <p>2 At your last deposition, you'll remember</p> <p>3 I asked you a number of questions about your</p> <p>4 preparation for that first session of your</p> <p>5 deposition?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you remember that? "Yes"?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. I think so.</p> <p>11 Q. And I asked you whether you discussed your</p> <p>12 testimony with Mr. Bevan. Do you recall that?</p> <p>13 A. Not particularly.</p> <p>14 Q. Okay. Let me ask it again now. Did you discuss</p> <p>15 your April 2017 deposition with Mr. Bevan before</p> <p>16 that deposition?</p> <p>17 MR. KUZMIN: Object to form. You can</p> <p>18 answer it.</p> <p>19 A. Yes, we did discuss what kind of questions I would</p> <p>20 be asked, what to generally expect from the</p> <p>21 deposition.</p> <p>22 Q. What did Mr. Bevan tell you?</p> <p>23 MR. KUZMIN: Okay. Hold on. Before you</p> <p>24 answer that, can we get a context as to</p> <p>25 whether or not these conversations took place</p>	<p style="text-align: right;">Page 212</p> <p>1 if I can't remember which attorneys.</p> <p>2 Q. So I think last time you told me that Mr. Coren</p> <p>3 was there?</p> <p>4 A. I believe so. Yes.</p> <p>5 Q. The gentleman who was here for your last</p> <p>6 deposition?</p> <p>7 A. Yes.</p> <p>8 Q. So Mr. Coren was at this meeting. Mr. Bevan was</p> <p>9 at this meeting.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Was Jared Placitella there?</p> <p>12 A. I think so.</p> <p>13 Q. Okay. So other than the three of them and you,</p> <p>14 did anybody else participate in that meeting</p> <p>15 shortly before your April 2017 deposition?</p> <p>16 A. No, I don't think so.</p> <p>17 Q. What did Mr. Bevan tell you at that meeting</p> <p>18 shortly before your deposition?</p> <p>19 MR. KUZMIN: And hold on before you</p> <p>20 answer that. I think again, Peter, this is</p> <p>21 where we've got that gray area. So I</p> <p>22 understand there was a conversation, I</p> <p>23 believe, with Mr. Roth and Mr. Assaf –</p> <p>24 MR. FARRELL: "Assaf."</p> <p>25 MR. KUZMIN: -- Assaf about the potential</p>



<p style="text-align: right;">Page 213</p> <p>1 of allowing these questions to be answered  2 subject to 502(d) if we decided to proceed  3 that route. So if you can agree to that  4 protection, I'm happy to let her answer.  5 Otherwise, I think I -- given the context,  6 especially if the subject matter relates to  7 this particular case, I think I need to  8 direct her not to answer pursuant to  9 attorney-client privilege.  10 MR. FARRELL: I think that the Special  11 Master's ruling and Mr. Roth's withdrawal of  12 Plaintiffs' motion for reconsideration on  13 this question was clear. Our view is that  14 this privilege has been waived. There's no  15 need for a 502(d). The question needs to be  16 answered. If you're instructing her not to  17 answer the question, then please do so so  18 that we can raise it with the Special Master  19 now.  20 MR. KUZMIN: Okay. Is this a question  21 that was previously -- if you want to direct  22 me to where it was asked and how it was asked  23 and if it's the same question, I'm more than  24 happy to abide by what the Special Master  25 ruled. And I did read the transcript and I'm</p>	<p style="text-align: right;">Page 215</p> <p>1 MR. FARRELL: I disagree --  2 MR. KUZMIN: Okay.  3 MR. FARRELL: -- with Mr. Kuzmin.  4 MR. KUZMIN: All right. So I am  5 respectfully -- since you're not going to  6 agree to a 502(d) and, you know, allow that  7 to be looked at at a later time, I'm going to  8 need to instruct her not to answer that  9 question as far as what was discussed. You  10 know, given that we were there and that it  11 dealt with this particular case and that the  12 question you had originally asked I believe  13 was answered by her today. So that would be  14 my position.  15 I need to instruct her not to answer, and  16 I'm more than happy to discuss with you a  17 protection or, you know, again, a 502(d) if  18 we want to do that to allow her to answer.  19 But substantive responses or discussions  20 where we were present relating to this case I  21 think does fall into attorney-client  22 privilege.  23 MR. FARRELL: Let's take a two-minute  24 break.  25 MR. KUZMIN: Sure.</p>
<p style="text-align: right;">Page 214</p> <p>1 familiar with it, and I'm not trying to be  2 difficult. I think it's a little bit  3 different question than what had been asked  4 in the past, specifically as it relates to  5 meetings with our firm where Mr. Bevan was  6 present. And I did read the Special  7 Master's --  8 MR. FARRELL: I specifically asked at the  9 last deposition, page 12, lines 14 through  10 17, whether she discussed her deposition with  11 Mr. Bevan. She was instructed not to answer.  12 That privilege objection was overruled.  13 MR. KUZMIN: Okay.  14 MR. FARRELL: And the testimony has been  15 ordered to be provided. I'm not going to get  16 into an extended debate about this. If you  17 are instructing her not to answer the  18 question, just say so on the record so that  19 we can get an order from the court.  20 MR. KUZMIN: Okay. Well, Peter, I think  21 the original question was, was it discussed,  22 and she did answer that. And now you're  23 asking what was said and I think now we get  24 into attorney-client privilege, especially  25 where we were present.</p>	<p style="text-align: right;">Page 216</p> <p>1 (Recess was taken.)  2 MR. FARRELL: Back on the record.  3 BY MR. FARRELL:  4 Q. Mrs. Wengerd, are you following Mr. Kuzmin's  5 instruction not to answer my last question?  6 A. Yes.  7 Q. You have in front of you what we've marked as  8 DX62, which was your deposition from April 2017.  9 Do you have that?  10 A. Yes.  11 Q. Can you turn to page 12? It's the miniature page  12 12 up in the right-hand corner.  13 A. Okay.  14 Q. Page 12, do you see line 10?  15 A. Yes.  16 Q. I asked you the question, "Did you speak to  17 Mr. Bevan on Tuesday about the Williams case or  18 something else?" Your answer was, "I couldn't  19 speak to what we spoke of because it's under  20 attorney-client privilege." Do you see that?  21 A. Yes.  22 Q. Let me ask you that question again. Did you speak  23 to Mr. Bevan on the Tuesday before your April 2017  24 deposition about the Williams case or something  25 else?</p>



<p style="text-align: right;">Page 217</p> <p>1 A. Mr. Bevan came in the room --</p> <p>2 MR. KUZMIN: And if you can answer</p> <p>3 Mr. Farrell's question, I think it was very,</p> <p>4 very direct to at least start with.</p> <p>5 MR. FARRELL: Is that a form or a</p> <p>6 foundation objection? We're not going to go</p> <p>7 the whole day --</p> <p>8 MR. KUZMIN: Okay.</p> <p>9 MR. FARRELL: -- with clarifications and</p> <p>10 coachings and speaking objections.</p> <p>11 MR. KUZMIN: Peter, I'm not trying to</p> <p>12 coach. I'm not trying to give speaking</p> <p>13 objections. I'm trying to follow, I think,</p> <p>14 the guideline of what the Special Master had</p> <p>15 kind of approved if there was an issue as to</p> <p>16 the wording of it so that you can get what</p> <p>17 you need and we don't have to worry about</p> <p>18 attorney-client. And that's all I'm trying</p> <p>19 to do.</p> <p>20 So you asked her a very specific question</p> <p>21 and I'm just asking her to answer that</p> <p>22 question so that you can then proceed how you</p> <p>23 need to.</p> <p>24 A. To -- to my memory, it was about something else.</p> <p>25 I don't remember if he was present or asked any</p>	<p style="text-align: right;">Page 219</p> <p>1 asking last time. Any privilege between the</p> <p>2 Plaintiffs and Mr. Bevan has been waived.</p> <p>3 It's been ruled on multiple times by the</p> <p>4 court.</p> <p>5 MR. KUZMIN: Okay.</p> <p>6 MR. FARRELL: And we're not going to</p> <p>7 proceed through a deposition that's been</p> <p>8 ordered as a sanction for the conduct at the</p> <p>9 last deposition with the same sort of</p> <p>10 obstruction and speaking objections we had</p> <p>11 last time.</p> <p>12 MR. KUZMIN: Okay. Can I suggest</p> <p>13 something, Peter? Can we mark this question,</p> <p>14 if there may -- there may be others, this may</p> <p>15 be the only one, when we get done here today</p> <p>16 so that you can get through what you need to,</p> <p>17 when we get done, we can contact the Special</p> <p>18 Master with anything that may have come up,</p> <p>19 get rulings and then we can go from there?</p> <p>20 MR. FARRELL: I'm not going to do that,</p> <p>21 Bill.</p> <p>22 MR. KUZMIN: Okay.</p> <p>23 MR. FARRELL: Because I'm not going to</p> <p>24 come back a third time for this deposition.</p> <p>25 MR. KUZMIN: I'm not saying come back.</p>
<p style="text-align: right;">Page 218</p> <p>1 questions in regards to the Williams case.</p> <p>2 Q. I think you told me a few minutes ago this morning</p> <p>3 that Mr. Bevan told you what sort of questions to</p> <p>4 expect, what to expect at the deposition. Do you</p> <p>5 remember that from a few minutes ago?</p> <p>6 A. No, I'm sorry. Mr. Placitella and Cohen were the</p> <p>7 attorneys that gave me that information, not</p> <p>8 Mr. Bevan.</p> <p>9 Q. What did Mr. Bevan tell you during your meeting</p> <p>10 shortly before your April 2017 deposition?</p> <p>11 MR. KUZMIN: Okay. Again, I'm going to</p> <p>12 object and direct her not to answer if you</p> <p>13 are asking for substance. If you want topics</p> <p>14 like you did before, I have no problem with</p> <p>15 that.</p> <p>16 MR. FARRELL: Okay. We're going to need</p> <p>17 to take a break and get the Special Master on</p> <p>18 the phone. This deposition was ordered</p> <p>19 because of the improper obstruction of the</p> <p>20 last deposition. It was ordered as a remedy</p> <p>21 and a sanction for the conduct at the last</p> <p>22 deposition. You've had multiple bites at the</p> <p>23 apple on these objections. Of course I'm now</p> <p>24 going to ask what Mr. Bevan told her. That</p> <p>25 was the whole point of the questions I was</p>	<p style="text-align: right;">Page 220</p> <p>1 Get through everything you need to get</p> <p>2 through. We mark these questions. She will</p> <p>3 still be here. We can finish depending on</p> <p>4 what the Special Master rules rather than</p> <p>5 calling him piecemeal.</p> <p>6 MR. FARRELL: I think we should call him</p> <p>7 now because we're essentially the first</p> <p>8 substantive question of the deposition.</p> <p>9 MR. KUZMIN: Okay.</p> <p>10 MR. FARRELL: You've already instructed</p> <p>11 her not to answer a question where the</p> <p>12 privilege has been waived and there was a</p> <p>13 motion for consideration withdrawn on the</p> <p>14 question.</p> <p>15 MR. KUZMIN: I'm going to disagree with</p> <p>16 you that the privilege was waived. That's</p> <p>17 not how I read the Special Master's ruling.</p> <p>18 But if we need to call him, that's fine and I</p> <p>19 can understand we just have a difference of</p> <p>20 opinion here. So I guess we'll be going off</p> <p>21 the record. Do we need Ms. Wengerd to wait</p> <p>22 outside while we make this call?</p> <p>23 MR. FARRELL: Yes. Thanks.</p> <p>24 (Recess was taken.)</p> <p>25 BY MR. FARRELL:</p>

<p style="text-align: right;">Page 221</p> <p>1 Q. During your meeting with Mr. Bevan, Mr. Coren and 2 Mr. Placitella on the Tuesday before your April 3 2017 deposition, did you speak to Mr. Bevan about 4 the Williams case or something else? 5 MR. KUZMIN: Object to form. You can 6 answer. 7 A. From my memory, I think it was about something 8 else. 9 Q. What was the something else? 10 A. He asked how – 11 MR. KUZMIN: Object to form. You can 12 answer. 13 A. He asked how my kids were. He spoke about just my 14 mom in general, just that she was a nice lady. He 15 spoke about my grandfather who he also knew and 16 how he was a really funny guy and how he worked 17 with my grandfather about his case. That's all I 18 remember. 19 Q. At this meeting the Tuesday before your April 2017 20 deposition, did Mr. Bevan stay for the whole 21 meeting? 22 A. No. 23 Q. How long was he there? 24 A. Only a few minutes. 25 Q. Did he say to you anything other than what you</p>	<p style="text-align: right;">Page 223</p> <p>1 on the grounds of possible attorney-client 2 privilege. 3 A. I really don't remember. I don't remember 4 specifically if Mr. Coren said something while 5 Mr. Bevan may have been in the room that was 6 subsequent to the case. It's been so long, I 7 specifically don't remember that detail. 8 Q. You could have answered the question back in April 9 of 2017, correct? 10 A. According to my testimony – 11 MR. KUZMIN: Object. Hold on. Object to 12 form. You can answer it. 13 A. According to my testimony, it said that I could 14 answer, but Mr. Coren advised that it was 15 attorney-client privilege. He may have been in 16 the room for something, but I don't remember now. 17 Q. Last time in your deposition of April 2017 I asked 18 you about documents that you had and your mother 19 had related to her asbestos case. Do you recall 20 that? 21 A. Yes. 22 Q. The file you kept at home? 23 A. Yes. 24 Q. When you first spoke to the Cohen Placitella firm 25 about potentially being a plaintiff in the</p>
<p style="text-align: right;">Page 222</p> <p>1 just told me about your mother and your 2 grandfather? 3 A. I don't think so. I don't remember specifically. 4 But not to my knowledge. 5 Q. How long did the meeting you had on the Tuesday 6 before your deposition last? 7 A. I don't remember. I'm guessing 45 minutes or an 8 hour. 9 Q. What portion of the meeting was Mr. Bevan in? 10 A. I can't remember if he came in to greet me when I 11 first got there or if he just came in at the end 12 to say goodbye, just to say hello and good-bye. 13 Q. Was anyone else from the Bevan firm in your 14 meeting with Mr. Coren and Mr. Placitella? 15 A. No. 16 Q. What did Mr. Coren say while Mr. Bevan was in the 17 meeting? 18 MR. KUZMIN: Okay. I'm going to object 19 to that. Are you talking about topics or 20 substantive information? 21 MR. FARRELL: I'm looking for the answer 22 to my question. 23 MR. KUZMIN: Okay. If you're talking 24 specifically about what Mr. Coren said, I 25 need to object and direct her not to answer</p>	<p style="text-align: right;">Page 224</p> <p>1 Williams case, did they tell you to preserve all 2 of your documents related to your mother's 3 asbestos case? 4 A. Everything that we had, any documents, was 5 provided to our attorney. We had nothing – and 6 that was to Mr. Bevan. We had nothing else to 7 preserve or to give. Everything was – that we 8 had was given to Mr. Bevan. I don't remember if 9 he specifically said that. That seems like 10 something that would have been advised, but I 11 don't remember specifically. 12 Q. Okay. Let's take that in pieces. Going back to 13 my original question, you have no specific memory 14 of the Cohen Placitella firm advising you at the 15 start of this case to preserve documents relating 16 to your mother's asbestos case, correct? 17 A. Correct. 18 MR. KUZMIN: Object to form. You can 19 answer. 20 A. Correct. 21 Q. Okay. Then in part of your answer you told me 22 that you had documents at home. 23 A. Uh-huh. 24 Q. Correct? 25 A. Yes.</p>

<p style="text-align: right;">Page 225</p> <p>1 Q. And you gave those documents to Mr. Bevan?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When did you give your documents at home to</p> <p>4 Mr. Bevan?</p> <p>5 A. Some documents were given, I believe, from my</p> <p>6 mother prior to her passing. Any records that she</p> <p>7 had that she worked for Goodyear, anything that</p> <p>8 she had that would have been requested of her, she</p> <p>9 would have given over at that time. Any documents</p> <p>10 that I had were copies of things that were sent by</p> <p>11 either the Bevan firm or Mr. Placitella's firm to</p> <p>12 me as a copy.</p> <p>13 I have no original documents to preserve</p> <p>14 or to give over. I was given a questionnaire</p> <p>15 prior to the deposition in April to fill out, I</p> <p>16 guess. Some written questions were generally</p> <p>17 asked. After that, I was asked just to hand over</p> <p>18 anything that I had. Whether it was a copy or</p> <p>19 not, I handed it over to the Bevan firm. I think</p> <p>20 specifically Erin. And I just gave her all my</p> <p>21 copies that I was given.</p> <p>22 Q. Okay. So let me make sure I'm understanding this,</p> <p>23 because I think maybe you're talking about two</p> <p>24 different periods of time and I just want to</p> <p>25 understand.</p>	<p style="text-align: right;">Page 227</p> <p>1 correct?</p> <p>2 A. I believe that -- somewhere in that date.</p> <p>3 Q. Okay. So in 2010, 2011 when you first learned</p> <p>4 that you potentially were going to be a plaintiff</p> <p>5 in this case, the Williams case, did you provide</p> <p>6 documents to the Bevan firm at that time as well?</p> <p>7 A. The only documents that I provided the Bevan firm</p> <p>8 would have been any health records or -- and I</p> <p>9 think I was actually copied on it from the</p> <p>10 coroner. There was an autopsy done, and I think I</p> <p>11 received the copy. They were automatically sent</p> <p>12 to my attorney, so I didn't need to re-send my</p> <p>13 copy to them. They already had it.</p> <p>14 Q. So over the course of your mother's asbestos case</p> <p>15 and bankruptcy trust claims that she filed and you</p> <p>16 filed, you accumulated some documents at home,</p> <p>17 correct?</p> <p>18 A. Yes. I accumulated copies of different filings</p> <p>19 that -- and just general back and forth paperwork</p> <p>20 that would have been provided from Mr. Bevan's</p> <p>21 firm.</p> <p>22 Q. Did you provide that entire file to the Cohen</p> <p>23 Placitella firm?</p> <p>24 A. I think I gave it to the Bevan firm. Specifically</p> <p>25 I think maybe to Erin. Just my copies of what was</p>
<p style="text-align: right;">Page 226</p> <p>1 A. Okay.</p> <p>2 Q. So first you said you had documents at home while</p> <p>3 your mother was still alive?</p> <p>4 A. Uh-huh.</p> <p>5 Q. So that would have been probably 2008 or so, if</p> <p>6 you were giving them to Mr. Bevan? Does that</p> <p>7 sound correct?</p> <p>8 A. Right.</p> <p>9 Q. So you gave Mr. Bevan some documents at the time</p> <p>10 your mother's original asbestos case was filed,</p> <p>11 correct?</p> <p>12 A. I think so. I think she may have had a copy of</p> <p>13 her taxes that showed that she worked for</p> <p>14 Goodyear. She had no information that was</p> <p>15 specific to asbestos or to her other than maybe</p> <p>16 health records or employment verification of some</p> <p>17 sort. There was no other paperwork or information</p> <p>18 that she supplied to Mr. Bevan.</p> <p>19 Q. Did your mother have any documents concerning the</p> <p>20 brand of products she had been exposed to while</p> <p>21 working at Goodyear?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Okay. So now we've talked about 2008. Let's</p> <p>24 fast-forward now to 2010, 2011. This case, the</p> <p>25 Williams case, was filed in March of 2011,</p>	<p style="text-align: right;">Page 228</p> <p>1 sent to me that I had held onto.</p> <p>2 Q. Why did you give your file to the Bevan firm</p> <p>3 instead of the Cohen Placitella firm?</p> <p>4 A. Because there was, I don't know, a small pile of</p> <p>5 whatever the copies were I received, and</p> <p>6 Mr. Bevan's firm is local whereas the Placitella</p> <p>7 firm is out of state. And I know that our</p> <p>8 attorneys have corresponded and worked together</p> <p>9 because of an out-of-state issue. So as far as</p> <p>10 just making a call, you know, just to see how he</p> <p>11 was doing, I know that they worked together in</p> <p>12 some capacity. I don't know what to -- to what</p> <p>13 extent.</p> <p>14 Q. Okay. So you took the file you had at home --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- which contained your mother's records and your</p> <p>17 records concerning your mother's asbestos case.</p> <p>18 You gave those to the Bevan firm. Do you know</p> <p>19 when?</p> <p>20 A. It would have been, I believe, prior to our April</p> <p>21 deposition. A few months, maybe, before our</p> <p>22 deposition.</p> <p>23 Q. Okay. And then the Bevan firm gave those</p> <p>24 documents to Cohen Placitella?</p> <p>25 A. That is my understanding.</p>

<p style="text-align: right;">Page 229</p> <p>1 MR. KUZMIN: Object to form. Object to 2 form. I'm just going to ask you to give me a 3 second. 4 THE WITNESS: Oh, sorry. 5 MR. KUZMIN: Thank you. 6 Q. Do you know whether any of the documents that you 7 keep at home related to your mother's affairs have 8 been produced to the Defendants in the Williams 9 case? 10 A. I don't know. 11 Q. You mentioned a few minutes ago that before your 12 deposition in April 2017 you filled out a 13 questionnaire. Do you remember that? 14 A. Yes. 15 Q. Who sent you that questionnaire? 16 A. I don't remember. 17 Q. Do you still have that questionnaire? 18 A. No. 19 Q. What questions were you asked in the 20 questionnaire? 21 A. I don't remember. It -- I believe they were 22 relevant to this current case, but I don't 23 remember the specific questions. 24 Q. Do you remember what you wrote in the 25 questionnaire?</p>	<p style="text-align: right;">Page 231</p> <p>1 remember two people from the Placitella firm, a 2 lady and a gentleman. Her name might have been 3 Kristen, but I don't remember specifically the 4 names. 5 Q. Where did the meeting occur? 6 A. At the Bevan firm. 7 Q. Was anybody from the Bevan firm in the meeting? 8 A. No. 9 Q. How long did that meeting last? 10 A. I don't remember. 11 Q. Did you discuss anything other than your responses 12 to those interrogatories? 13 A. No. 14 Q. Did Mr. Bevan come in for any portion of that 15 meeting? 16 A. I don't think I saw him just to say hello even. 17 Q. You told me earlier that you no longer had your 18 responses to the -- what you were then calling a 19 questionnaire which we now know are the 20 interrogatory responses? 21 A. Correct. I don't think I have them. 22 Q. You threw them away, the original responses you 23 prepared? 24 MR. KUZMIN: Object to form. You can 25 answer.</p>
<p style="text-align: right;">Page 230</p> <p>1 A. I remember I think in our April deposition you 2 asked me about one because I got an address or a 3 phone number or a work history date wrong. So I 4 know that those were provided to you because you 5 specifically asked me about one and I missed an 6 answer. I got something wrong. It was a minor 7 detail. 8 Q. Are you referring to interrogatories that were 9 served on you in this case or something else? 10 A. Yes, I'm sorry. That's what I was calling a 11 questionnaire. 12 Q. Okay. So you received the interrogatories that 13 the Defendants served in this case, correct? 14 A. Yes. If it's the same document I'm referring to, 15 yes. 16 Q. Then you filled it out by hand? 17 A. No. I may have filled out -- no, I don't think I 18 filled out any of them by hand. It was filled out 19 by an attorney during a meeting. 20 Q. Which meeting? 21 A. It would have been prior to April when the 22 interrogatories were sent, provided. 23 Q. Who was at that meeting where you discussed your 24 responses to the Defendants' interrogatories? 25 A. Forgive me because I'm very bad at names. I</p>	<p style="text-align: right;">Page 232</p> <p>1 A. Those were what we filled out in that meeting, so 2 I don't know that I have a copy of them. Maybe in 3 an e-mail I might have a copy, but hard copy is 4 something that I think I brought to the meeting. 5 I may have left it there with the attorneys. 6 Q. Have you searched your e-mail account to determine 7 whether you have documents related to your 8 mother's asbestos case or the Williams case in it? 9 A. The only documents I have in my e-mails are just 10 copies of different filings, different times to be 11 here, different filings when it originally was 12 sent or -- and I'm not sure that I really have 13 them all. I'm sure there are more that my 14 attorneys have made on my behalf that I don't have 15 copies of. There's nothing original that I have 16 to provide to anyone. 17 Q. Have you checked your e-mail account to determine 18 whether you have e-mails relating to your mother's 19 asbestos case? 20 A. Well, yeah, I had to check my e-mails to see what 21 the address was to get here today, and that 22 relates to this case. 23 Q. I think we're missing each other. 24 A. Okay. 25 Q. I'm asking about e-mails concerning your mother's</p>

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<p style="text-align: right;">Page 233</p> <p>1 case from 2008, 2009.</p> <p>2 A. I don't have any e-mails that I am aware of</p> <p>3 regarding that.</p> <p>4 Q. Have you checked your e-mail account to determine</p> <p>5 whether you do have e-mails related to your</p> <p>6 mother's case from 2008, 2009?</p> <p>7 A. No, I have not.</p> <p>8 Q. You haven't checked?</p> <p>9 A. I have not checked.</p> <p>10 Q. Okay. Has the Bevan firm -- withdrawn.</p> <p>11 Has anyone from the Bevan firm</p> <p>12 communicated with you by e-mail?</p> <p>13 A. Yes.</p> <p>14 Q. Including about your mother's case from 2008,</p> <p>15 2009?</p> <p>16 A. Yes, I think so.</p> <p>17 Q. Now, you also told me at your last deposition that</p> <p>18 your lawyers communicated with you by letter. Do</p> <p>19 you remember that?</p> <p>20 A. Yes.</p> <p>21 Q. And I asked you last time whether you still had</p> <p>22 those letters. Do you still have them?</p> <p>23 A. I think they were returned to me after I provided</p> <p>24 them to the Bevan firm. That is what I provided,</p> <p>25 were my copies of the letters, filings. Just</p>	<p style="text-align: right;">Page 235</p> <p>1 would just be general in nature of this is from</p> <p>2 this -- a check that may have been enclosed was</p> <p>3 from this bankruptcy or trust. That's it.</p> <p>4 Q. Do you ever receive written communications from</p> <p>5 anybody at the Bevan firm regarding the substance</p> <p>6 of your mother's asbestos case?</p> <p>7 MR. KUZMIN: Just so she's -- you mean</p> <p>8 the 2008 case?</p> <p>9 MR. FARRELL: Yes.</p> <p>10 MR. KUZMIN: Okay.</p> <p>11 Q. Let me try to -- maybe we can call these two</p> <p>12 different things so we're not -- because I'm</p> <p>13 not -- I don't mean to confuse you about it. When</p> <p>14 I say your mother's asbestos case, I mean the case</p> <p>15 from 2008 that was filed by Mr. Bevan and then the</p> <p>16 bankruptcy trust claims that were made, right?</p> <p>17 And that, to me, is distinct from the Williams</p> <p>18 case, which is this case. You follow me?</p> <p>19 A. Yes, I understand.</p> <p>20 Q. Okay. So Mr. Bevan -- withdrawn.</p> <p>21 Did anybody from the Bevan firm send you</p> <p>22 written communications concerning your mother's</p> <p>23 asbestos case?</p> <p>24 A. Not since perhaps shortly after she passed. I</p> <p>25 haven't received anything of substantive other</p>
<p style="text-align: right;">Page 234</p> <p>1 general notifications. That's what was provided</p> <p>2 back to the Bevan firm.</p> <p>3 Q. Okay. So all of the letters that you received</p> <p>4 from the Bevan firm in 2008, 2009 and so on</p> <p>5 concerning your mother's asbestos case, bankruptcy</p> <p>6 trust filings that you all had made, you took that</p> <p>7 whole file, including those letters, and you gave</p> <p>8 them to the Bevan firm a couple of months before</p> <p>9 your deposition and then that file was returned to</p> <p>10 you; is that correct?</p> <p>11 A. Correct. I believe it was returned to me. I</p> <p>12 don't remember if I had saved every piece or every</p> <p>13 copy that was ever provided to me by my attorneys,</p> <p>14 but anything that I had kept was provided.</p> <p>15 Q. So some letters that the Bevan firm sent you since</p> <p>16 2008, you may have discarded?</p> <p>17 MR. KUZMIN: Object to form. You can</p> <p>18 answer it.</p> <p>19 A. That's possible.</p> <p>20 Q. What sort of letters do you receive from the Bevan</p> <p>21 firm?</p> <p>22 A. Typically the letters would just tell me that</p> <p>23 they've filed against a particular trust or</p> <p>24 bankruptcy. It's a paper that sometimes would</p> <p>25 need signed and returned. Sometimes the letter</p>	<p style="text-align: right;">Page 236</p> <p>1 than this is what we are filing in this trust or</p> <p>2 bankruptcy, this is where such-and-such a check</p> <p>3 came from, this trust or bankruptcy. Other than</p> <p>4 that, that's all I've received.</p> <p>5 Q. Have you ever received from anybody at the Bevan</p> <p>6 firm communications explaining developments in</p> <p>7 your mother's asbestos case?</p> <p>8 MR. KUZMIN: Object to form. You can</p> <p>9 answer it.</p> <p>10 A. I'm not sure I understand over what period of time</p> <p>11 you're asking me.</p> <p>12 Q. So let's start by focusing on the 2008 to 2009</p> <p>13 time period. Okay?</p> <p>14 A. Okay.</p> <p>15 Q. So your mother's case was filed in 2008 and then</p> <p>16 there was some activity in the court in 2008,</p> <p>17 2009, her deposition, for example, some motions</p> <p>18 were filed and so on.</p> <p>19 A. Okay.</p> <p>20 Q. Okay. Do you remember -- withdrawn.</p> <p>21 Did anyone from the Bevan firm send you</p> <p>22 written communications concerning developments in</p> <p>23 your mother's asbestos case from that 2008, 2009</p> <p>24 time period?</p> <p>25 A. I don't remember specifically. I don't think so.</p>

<p style="text-align: right;">Page 237</p> <p>1 However, it is possible any information or 2 developments, copies of letters would be found 3 with my attorney, Mr. Bevan, and his firm. 4 Q. Okay. When you're going to settle with one of the 5 parties in your mother's original asbestos case, 6 does Mr. Bevan send you a letter or an e-mail 7 saying we have an offer to settle the case for X 8 amount, here's my recommendation regarding that 9 settlement? 10 MR. KUZMIN: Object to form. You can 11 answer. 12 A. No. 13 Q. Does Mr. Bevan – withdrawn. 14 Does anyone from the Bevan firm consult 15 with you before deciding whether to accept 16 settlements from defendants in your mother's 17 asbestos case? 18 MR. KUZMIN: Object to form. You can 19 answer. 20 A. No. 21 Q. Has anyone from the Bevan firm sent you written 22 communications explaining the reasons why some of 23 the defendants -- withdrawn. 24 Has anyone from the Bevan firm sent you 25 written communications explaining the reasons why</p>	<p style="text-align: right;">Page 239</p> <p>1 communications from anyone at the Bevan firm to 2 you explaining the reasons why any defendant in 3 your mother's asbestos case was dismissed from 4 that case? 5 MR. KUZMIN: Object to form. You can 6 answer. 7 A. If there are any, they would be held with my 8 attorney, Mr. Bevan. Other than the Goodyear one 9 that I remember specifically, I don't remember if 10 those explanations in written form exist. It's 11 something that you would have to speak to my 12 attorney about and see what's in his file. 13 Q. Okay. 14 A. It's been ten years. I'm sorry. I don't 15 remember. 16 Q. Okay. Other than the one Goodyear example you 17 gave, you have no recollection of receiving a 18 written communication from anyone at the Bevan 19 firm concerning the reasons a defendant was 20 dismissed from your mother's asbestos case; is 21 that fair? 22 A. That's correct. 23 Q. Okay. If Mr. Bevan has not produced any written 24 communication to you explaining the reason a 25 defendant was dismissed from your mother's</p>
<p style="text-align: right;">Page 238</p> <p>1 any defendant in your mother's asbestos case was 2 dismissed from that case? 3 MR. KUZMIN: Object to form. You can 4 answer. 5 A. That sounds familiar. Perhaps not long after she 6 passed, I remember specifically Goodyear 7 being -- I don't -- I'm not sure what the correct 8 terminology is, but was not responsible for any of 9 the exposure and was -- the case or whatever was 10 thrown out. I remember calling and speaking to 11 them about that. There may have been others, but 12 I don't remember. 13 Q. As you sit here today, to your knowledge, no 14 written communications from anyone at the Bevan 15 firm explaining the reasons why any defendant in 16 your mother's asbestos case was dismissed from 17 that case? 18 A. I honestly don't remember. 19 Q. Is that a "no"? 20 MR. KUZMIN: I'm not sure there was a 21 question there, but you can answer it if you 22 understood. 23 A. Can you please repeat the question? I'm not sure 24 I'm understanding what you're asking me. 25 Q. Sure. To your knowledge, there are no written</p>	<p style="text-align: right;">Page 240</p> <p>1 asbestos case, it's fair to say that no such 2 communication was ever sent to you. Is that fair? 3 MR. KUZMIN: Object to form. You can 4 answer it. 5 A. No, that's not correct because I don't remember. 6 He could have sent them. He may not have sent 7 them. I don't remember. 8 Q. Well, if Mr. Bevan hasn't produced them and you 9 haven't produced them, who would have 10 communications between you and Mr. Bevan regarding 11 the reasons a party was dismissed from your 12 mother's asbestos case? 13 MR. KUZMIN: Object to form. You can 14 answer it. 15 A. I'm sorry. I understand you now. If he's not 16 provided any for you and I have not provided any 17 to you, then they do not exist. 18 Q. Okay. 19 A. That I'm aware of. 20 Q. So we've talked about written communications. 21 What about oral communications? Has anyone from 22 the Bevan firm explained to you orally, in words 23 or in substance, the reasons a party was dismissed 24 from your mother's asbestos case? 25 A. Yes. I spoke -- and I don't remember who</p>



<p style="text-align: right;">Page 241</p> <p>1 specifically, but I know I did ask about Goodyear 2 specifically that I recall. I also remember that 3 when I signed with Mr. Placitella's firm and 4 originally met with them all those years ago, I 5 was told why -- 6 MR. KUZMIN: Wait. Wait. Wait. If 7 there -- and again, I need to caution you, 8 anything that may have come from our office I 9 think would fall under privilege. Peter, I 10 hope you'd agree with me on this one? 11 MR. FARRELL: Well, it depends who -- 12 MR. KUZMIN: I know that you asked about 13 Bevan. I got no problem with that. We're 14 starting to get into our meetings. 15 Q. Were you about to tell me something that Mr. Bevan 16 told you about the reasons a case was dismissed? 17 Without telling me what the answer was. 18 A. Yes. 19 Q. The person who told you this information you were 20 about to describe was Mr. Bevan, correct? 21 A. Yes. 22 Q. Okay. What did Mr. Bevan tell you? 23 A. He explained to me regarding BASF just why he was 24 referring me to Mr. Placitella's office because my 25 case was -- did not go through or was dismissed</p>	<p style="text-align: right;">Page 243</p> <p>1 A. Okay. 2 Q. So it's you, Mr. Bevan and Mr. Coren sometime 3 before this case was filed, correct? 4 A. Yes. 5 Q. Okay. What did Mr. Bevan tell you at that 6 meeting? 7 MR. KUZMIN: Okay. I need to object and 8 I'm going to -- again, if you're asking for 9 topics, I have no problem to see where this 10 goes. If we're going to talk substance where 11 we were present and it was obviously 12 consulting related to this case, I need to 13 instruct her not to answer. 14 Q. Mrs. Wengerd, are you following the instruction 15 not to answer the question I just asked? 16 A. Yes. 17 Q. What did you tell Mr. Bevan -- withdrawn. 18 Would you be able to answer the question 19 what did Mr. Bevan tell you at that meeting but 20 for Mr. Kuzmin's instruction not to answer? 21 A. I would be able to answer it to the best of my 22 knowledge of what I remember. 23 Q. What did you say to Mr. Bevan at this meeting with 24 Mr. Bevan and Mr. Coren? 25 MR. KUZMIN: Again, same instruction. I</p>
<p style="text-align: right;">Page 242</p> <p>1 and that Mr. Placitella's office would be able to 2 assist me in continuing to see that case through. 3 Q. Okay. This conversation with Mr. Bevan you're 4 describing, when did that occur? 5 A. I met -- I believe it was when he introduced me to 6 Mr. Cohen, which would have been prior to the 7 filing of the case. 8 Q. Okay. So presumably sometime in 2010 or 2011. 9 Does that sound fair? 10 A. Yes. 11 Q. Okay. Before this conversation with Mr. Bevan 12 when he introduced you to the Cohen Placitella 13 firm, at any time before then had you had any 14 discussion with anyone at the Bevan firm 15 concerning the reasons why your mother's claims 16 against BASF were dismissed? 17 A. I don't remember. 18 Q. Let's go back to this initial meeting between you, 19 Mr. Bevan, I think you said Mr. Cohen. Did you 20 mean Mr. Coren? 21 A. Coren. I'm sorry. 22 Q. That's okay. 23 A. I do that all the time. Sorry. 24 Q. There's also a Mr. Cohen, and so I just want to be 25 sure I --</p>	<p style="text-align: right;">Page 244</p> <p>1 think that this falls into attorney-client 2 privilege and I would instruct Ms. Wengerd 3 not to answer. 4 Q. Are you following Mr. Kuzmin's instruction not to 5 answer? 6 A. Yes. 7 Q. Would you be able to answer that question but for 8 the instruction not to answer? 9 A. Yes. 10 Q. Was Mr. Bevan present for the entirety of your 11 meeting with Mr. Coren shortly before this case 12 was filed? 13 A. No, I don't think he was there for the whole 14 meeting. 15 Q. What did Mr. Coren say to you during the portion 16 of the meeting when Mr. Bevan was present? 17 MR. KUZMIN: Okay. Again, same 18 instruction. I think that it hits on 19 attorney-client privilege and would instruct 20 you not to answer. 21 Q. I take it you're going to follow the instruction 22 not to answer? 23 A. Correct. 24 MR. KUZMIN: Peter, for all of these, are 25 we going to mark them so we can address them</p>



<p style="text-align: right;">Page 245</p> <p>1 all at once?</p> <p>2 MR. FARRELL: Sure. Can we just mark all</p> <p>3 of the instructions not to answer?</p> <p>4 Q. You told me a few minutes ago that Mr. Bevan</p> <p>5 explained to you at this meeting why your mother's</p> <p>6 case against BASF didn't go forward, correct?</p> <p>7 A. Correct.</p> <p>8 Q. What did he tell you?</p> <p>9 A. I think he had said that the reason we weren't</p> <p>10 able to continue the case was due to lack of</p> <p>11 evidence, but specifically I can't remember his</p> <p>12 wording.</p> <p>13 Q. Can you tell me anything else about what Mr. Bevan</p> <p>14 told you?</p> <p>15 A. No.</p> <p>16 Q. That meeting shortly before the Williams case was</p> <p>17 filed was the first you had heard about reasons</p> <p>18 your mother's case against BASF was dismissed?</p> <p>19 A. I don't remember if that was the first time or</p> <p>20 not. I think so.</p> <p>21 Q. Last time I – last time I asked you whether</p> <p>22 you – your attorneys asked you to search your</p> <p>23 files at home for documents. Do you remember</p> <p>24 that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 247</p> <p>1 can I get a copy of this particular document?</p> <p>2 A. That's correct.</p> <p>3 Q. Have you ever done that?</p> <p>4 A. No.</p> <p>5 Q. Has Plaintiffs' counsel asked you whether you have</p> <p>6 e-mails from the Bevan firm that relate to your</p> <p>7 mother's asbestos case?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Last – at the last session of your deposition in</p> <p>10 April 2017, I asked you a number of questions</p> <p>11 about what the source of the allegations in the</p> <p>12 complaint were. Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Q. What is the source of your information concerning</p> <p>15 the fraud that's alleged in the Williams</p> <p>16 complaint?</p> <p>17 MR. KUZMIN: Object to form. You can</p> <p>18 answer it.</p> <p>19 A. The information would have come from my attorneys.</p> <p>20 Q. Which attorneys?</p> <p>21 A. The Placitella firm.</p> <p>22 Q. What about from Mr. Bevan?</p> <p>23 A. No. I don't really speak to Mr. Bevan regarding</p> <p>24 this matter.</p> <p>25 Q. Who was involved in the fraud that's alleged in</p>
<p style="text-align: right;">Page 246</p> <p>1 Q. Did your attorneys in the Williams case ask you to</p> <p>2 search the file you keep at home to see if you had</p> <p>3 any documents concerning your mother's asbestos</p> <p>4 case?</p> <p>5 MR. KUZMIN: Object to form. You can</p> <p>6 answer it.</p> <p>7 A. No, I don't think so. I don't remember.</p> <p>8 Q. Have you provided – withdrawn.</p> <p>9 Have you spoken to Mr. Bevan about</p> <p>10 whether he has documents concerning your mother's</p> <p>11 asbestos case?</p> <p>12 A. No.</p> <p>13 Q. Do you know whether Mr. Bevan has documents</p> <p>14 concerning your mother's asbestos case?</p> <p>15 A. He was my representing attorney. I would hope he</p> <p>16 does.</p> <p>17 Q. You would hope he does, but you're not sure?</p> <p>18 A. I have not seen his file.</p> <p>19 Q. Do you rely on him to maintain the file related to</p> <p>20 your mother's asbestos case and bankruptcy trust</p> <p>21 claims?</p> <p>22 A. Yes.</p> <p>23 Q. So if you wanted to see documents related to your</p> <p>24 mother's asbestos case or her bankruptcy trust</p> <p>25 claims, you would go to Mr. Bevan and say, hey,</p>	<p style="text-align: right;">Page 248</p> <p>1 the Williams complaint?</p> <p>2 MR. KUZMIN: Object to form. You can</p> <p>3 answer.</p> <p>4 A. The fraud, my understanding, is BASF and their law</p> <p>5 firm that represented them.</p> <p>6 Q. And the basis for that information is just what</p> <p>7 Plaintiffs' counsel has told you, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. You don't have any personal knowledge of those</p> <p>10 facts alleged in the complaint?</p> <p>11 A. No, I do not.</p> <p>12 Q. During the meeting that you were telling me about</p> <p>13 before, shortly before the Williams complaint was</p> <p>14 filed with Mr. Bevan and Mr. Coren, did either</p> <p>15 Mr. Bevan or Mr. Coren take notes during that</p> <p>16 meeting?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did you take notes during that meeting?</p> <p>19 A. No.</p> <p>20 Q. Did anyone show you any documents during that</p> <p>21 meeting?</p> <p>22 A. I don't – I don't think so. I don't remember.</p> <p>23 Q. Was any presentation shown to you during that</p> <p>24 meeting?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 249</p> <p>1 Q. Were there any other plaintiffs in that meeting?</p> <p>2 A. Just me.</p> <p>3 Q. At your last deposition I asked you how the</p> <p>4 Westfall case connects to your mother's asbestos</p> <p>5 case.</p> <p>6 A. Uh-huh.</p> <p>7 Q. What's the source of your information concerning</p> <p>8 how the Westfall case concerns – relates to your</p> <p>9 mother's asbestos case, if at all?</p> <p>10 MR. KUZMIN: Object to form. You can</p> <p>11 answer it.</p> <p>12 A. Again, that information would have come from my</p> <p>13 attorney, and my understanding is that talc was, I</p> <p>14 don't know if contaminated or contained asbestos.</p> <p>15 But specifically any information would have come</p> <p>16 from my attorney regarding that case.</p> <p>17 Q. When you say your attorney, you mean the Cohen</p> <p>18 Placitella firm?</p> <p>19 A. That's correct.</p> <p>20 Q. Have you discussed the Westfall case and how it</p> <p>21 may relate to your mother's asbestos case with</p> <p>22 anyone from the Bevan firm?</p> <p>23 A. No.</p> <p>24 Q. Have you spoken to Pat Walsh about the Williams</p> <p>25 case?</p>	<p style="text-align: right;">Page 251</p> <p>1 expert.</p> <p>2 Q. Should people who developed mesothelioma receive</p> <p>3 more compensation than people who developed other</p> <p>4 types of injuries from asbestos?</p> <p>5 MR. KUZMIN: Object to form. You can</p> <p>6 answer.</p> <p>7 A. I'm not an expert. I don't know.</p> <p>8 Q. Should people with very brief exposure to EMTAL</p> <p>9 talc receive the same compensation as people who</p> <p>10 had significant exposure to EMTAL talc?</p> <p>11 MR. KUZMIN: Object to form. You can</p> <p>12 answer.</p> <p>13 A. I don't think it matters. As long as if they both</p> <p>14 ended up with the same disease, did it matter how</p> <p>15 long they were exposed? If they ended up with the</p> <p>16 same result of death? I don't know.</p> <p>17 Q. You don't know? Okay. If your mother had</p> <p>18 developed lung cancer instead of mesothelioma,</p> <p>19 would that have had an affect on the amount of</p> <p>20 money she recovered from her asbestos case?</p> <p>21 MR. KUZMIN: Object to form. You can</p> <p>22 answer.</p> <p>23 A. I don't know.</p> <p>24 Q. How much compensation from BASF are you entitled</p> <p>25 to because of your mother's exposure to asbestos?</p>
<p style="text-align: right;">Page 250</p> <p>1 A. No.</p> <p>2 Q. Would it be fair for somebody who wasn't exposed</p> <p>3 to talc at all to receive compensation in</p> <p>4 connection with the Williams case?</p> <p>5 MR. KUZMIN: Object to form. You can</p> <p>6 answer it.</p> <p>7 A. I'm not an expert. I don't know.</p> <p>8 Q. You don't know whether if somebody was never</p> <p>9 exposed to EMTAL talc at all, whether it would be</p> <p>10 fair for them to receive compensation in this</p> <p>11 case, the Williams case?</p> <p>12 MR. KUZMIN: Object to form. You can</p> <p>13 answer.</p> <p>14 A. I don't know.</p> <p>15 Q. In your view, can people who were never exposed to</p> <p>16 EMTAL talc at all receive compensation if</p> <p>17 compensation is paid in the Williams case?</p> <p>18 MR. KUZMIN: Object to form. You can</p> <p>19 answer.</p> <p>20 A. Again, because I'm not an expert, I don't know. I</p> <p>21 know that asbestos can be carried on clothing and</p> <p>22 other items. Does that mean they were directly</p> <p>23 exposed to the talc? I'm not sure if that</p> <p>24 constitutes a yes or a no. So unfortunately, I</p> <p>25 have to say I don't know because I'm not an</p>	<p style="text-align: right;">Page 252</p> <p>1 MR. KUZMIN: Object to form. You can</p> <p>2 answer.</p> <p>3 A. How much money does a person – is a person worth?</p> <p>4 Q. That wasn't my question.</p> <p>5 A. That is your question. You're asking me how much</p> <p>6 money I'm asking from BASF because of my mother's</p> <p>7 death. How much is her life worth? That's what</p> <p>8 you're asking me, sir.</p> <p>9 Q. Mrs. Wengerd, respectfully, are you seeking a</p> <p>10 specific amount of money from BASF in this case?</p> <p>11 A. No.</p> <p>12 Q. Last time I asked you a number of questions about</p> <p>13 the mediation that had occurred in this case. Do</p> <p>14 you remember that?</p> <p>15 A. Yes.</p> <p>16 Q. When did that mediation occur?</p> <p>17 MR. KUZMIN: Okay. Peter, can we go off</p> <p>18 the record and discuss this for a second? Do</p> <p>19 you mind? It's to avoid any issues. And</p> <p>20 we've been going for about another hour</p> <p>21 anyway.</p> <p>22 MR. FARRELL: One minute.</p> <p>23 MR. KUZMIN: Sure.</p> <p>24 (Discussion off the record.)</p> <p>25 MR. FARRELL: Back on the record.</p>

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<p style="text-align: right;">Page 253</p> <p>1 BY MR. FARRELL:</p> <p>2 Q. Mrs. Wengerd, when did the mediation in the</p> <p>3 Williams case occur?</p> <p>4 MR. KUZMIN: Object to form. You can</p> <p>5 answer it.</p> <p>6 A. I don't know.</p> <p>7 Q. When did you learn that a mediation occurred in</p> <p>8 this case?</p> <p>9 A. After the mediation occurred.</p> <p>10 Q. What was your role in the mediation, if any?</p> <p>11 MR. KUZMIN: Object to form. You can</p> <p>12 answer.</p> <p>13 A. I had no role.</p> <p>14 Q. So you had no knowledge that a mediation was under</p> <p>15 way while the mediation was under way, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. You learned about it after the fact?</p> <p>18 A. Correct.</p> <p>19 Q. Is it your understanding that proposals were</p> <p>20 exchanged between the parties during the</p> <p>21 mediation?</p> <p>22 MR. KUZMIN: Object to form. You can</p> <p>23 answer.</p> <p>24 A. I think so.</p> <p>25 Q. Did you understand that money had been offered to</p>	<p style="text-align: right;">Page 255</p> <p>1 concluded that they didn't think it was</p> <p>2 mesothelioma. Do you remember that?</p> <p>3 A. Yes.</p> <p>4 Q. And we discussed that Mr. Bevan was filing claims</p> <p>5 on bankruptcy trusts for compensation based on the</p> <p>6 fact that your mother had mesothelioma. Do you</p> <p>7 remember that?</p> <p>8 A. Yes.</p> <p>9 Q. He's filed quite a few of those claims, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Did you tell any of the bankruptcy trusts to which</p> <p>12 you submitted claims that at least one doctor</p> <p>13 concluded that your mother did not have</p> <p>14 mesothelioma?</p> <p>15 MR. KUZMIN: Object to form. You can</p> <p>16 answer.</p> <p>17 A. I didn't submit any claims personally.</p> <p>18 Q. You haven't signed or submitted any bankruptcy</p> <p>19 trust claims based on your mother's condition?</p> <p>20 A. My -- my attorney would have filed those claims,</p> <p>21 not me personally going after them or seeking any</p> <p>22 information from any person. And I trust my</p> <p>23 attorney's advice.</p> <p>24 Q. Does Mr. Bevan consult with you before he submits</p> <p>25 claims on bankruptcy trusts?</p>
<p style="text-align: right;">Page 254</p> <p>1 settle the Williams case?</p> <p>2 MR. KUZMIN: Object to form. You can</p> <p>3 answer.</p> <p>4 A. I think Mr. Placitella or Mr. Coren had said</p> <p>5 something of that nature.</p> <p>6 Q. After the mediation was over?</p> <p>7 A. Right.</p> <p>8 Q. Before the mediation ended, you had no knowledge</p> <p>9 that money had been offered to settle this case,</p> <p>10 correct?</p> <p>11 MR. KUZMIN: Object to form. You can</p> <p>12 answer.</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. Did you decide to end the mediation discussions in</p> <p>15 the Williams case?</p> <p>16 A. No.</p> <p>17 Q. Do you know why the mediation in the Williams case</p> <p>18 ended?</p> <p>19 A. No.</p> <p>20 Q. Has anyone from the Cohen Placitella firm</p> <p>21 discussed that with you?</p> <p>22 A. No.</p> <p>23 Q. At your April 2017 deposition, we discussed some</p> <p>24 documents concerning a conclusion reached by a</p> <p>25 doctor about your mother's cancer and that doctor</p>	<p style="text-align: right;">Page 256</p> <p>1 A. No.</p> <p>2 Q. So he handles the whole process?</p> <p>3 A. Correct.</p> <p>4 Q. Do you know whether Mr. Bevan told any of the</p> <p>5 bankruptcy trusts to which he submitted claims</p> <p>6 that at least one doctor concluded that your</p> <p>7 mother did not have mesothelioma?</p> <p>8 A. I --</p> <p>9 MR. KUZMIN: Object to form. You can</p> <p>10 answer.</p> <p>11 A. I do not know.</p> <p>12 Q. Do you think those bankruptcy trusts would have</p> <p>13 wanted to know that at least one doctor concluded</p> <p>14 that your mother did not have mesothelioma?</p> <p>15 MR. KUZMIN: Object to form. You can</p> <p>16 answer.</p> <p>17 A. I don't know.</p> <p>18 Q. Well, if someone had asked you to pay compensation</p> <p>19 based on a person having mesothelioma, would you</p> <p>20 have wanted to know that at least one of her</p> <p>21 doctors concluded that she didn't actually have</p> <p>22 mesothelioma?</p> <p>23 MR. KUZMIN: Object to form. You can</p> <p>24 answer.</p> <p>25 A. That depends what other information was filed. If</p>

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<p style="text-align: right;">Page 257</p> <p>1 there were other pieces of information that proved 2 that she had mesothelioma, then I wouldn't be 3 quite as concerned. If there were -- if there's 4 proof that she had mesothelioma, then I feel that 5 those claims and filings are justified. 6 Q. Okay. So -- withdrawn. 7 So if you had some document saying your 8 mother had mesothelioma and then some other 9 document saying she didn't have mesothelioma, 10 because you had the documents saying she did have 11 mesothelioma, in your view it's fair to say she 12 did have mesothelioma? 13 A. Correct. 14 Q. Is it also fair in your view not to disclose the 15 documents saying that your mother did not have 16 mesothelioma? 17 MR. KUZMIN: Object to form. You can 18 answer. 19 A. I'm not a professional. I can't answer that. 20 Q. If you were asked to pay compensation based on 21 your mother's mesothelioma diagnosis, would you 22 have wanted to know about the documents saying she 23 didn't have mesothelioma? 24 MR. KUZMIN: Object to form. You can 25 answer it.</p>	<p style="text-align: right;">Page 259</p> <p>1 because someone had mesothelioma, whether you 2 would have wanted to know that there were 3 documents saying that person didn't have 4 mesothelioma? 5 MR. KUZMIN: Object to form. You can 6 answer. 7 A. I would ask for any information that was needed to 8 prove that she had it. I've had second opinions 9 from doctors before and third opinions. I'm not 10 intimidated that there was an opinion that said 11 she didn't have mesothelioma, because there were 12 other opinions that said that she did. And I'm 13 not a professional. I'm not a law expert. That's 14 why I work with attorneys who know the letter of 15 the law and what should and should not be 16 ethically produced for these filings. 17 Q. Okay. In your view, though -- withdrawn. 18 In your view not as an attorney, the fact 19 that you had evidence saying your mother had 20 mesothelioma and you believed she had 21 mesothelioma, that was good enough to support you 22 saying she had mesothelioma. Is that fair? 23 MR. KUZMIN: Object to form. You can 24 answer it. 25 A. I went to professional doctors who said she had</p>
<p style="text-align: right;">Page 258</p> <p>1 A. I just want to make sure I'm understanding. 2 You're asking me in a pretend world if I had 3 control over a trust, if I wanted to know if a 4 person had a first opinion, a second opinion, a 5 third opinion and how many of those opinions said 6 she had mesothelioma and didn't have mesothelioma, 7 this is a question you're asking me about 8 something that isn't of my purview. It's not my 9 judgment. I don't know how to answer it because 10 I'm not an expert on what the letter of the law 11 allows for. 12 Q. That's something you would have Mr. Bevan handle 13 for you? 14 A. Yes, I would have an attorney do an attorney's 15 job. I'm not an attorney and that's why I sought 16 one to represent me. 17 Q. So in your view, there might be legal reasons not 18 to disclose the documents saying your mother 19 didn't have mesothelioma? 20 A. I have no -- 21 MR. KUZMIN: Object to form. You can 22 answer. 23 A. I'm not an expert. I don't know. 24 Q. As you sit here today, you can't say whether if 25 you personally had been asked to pay compensation</p>	<p style="text-align: right;">Page 260</p> <p>1 mesothelioma. This was not my personal opinion. 2 Q. You thought it was appropriate to rely upon the 3 doctors who said she did have mesothelioma? 4 A. Yes. 5 Q. Last time I asked you about your settlements with 6 other companies related to your mother's asbestos 7 case. How much money have you received as 8 compensation for your mother's exposure to 9 asbestos? 10 A. I don't know. That would be something you would 11 have to check with the Bevan firm. 12 MR. KUZMIN: Peter, what line was that 13 questioning about the prior settlements? 14 Unless you're done with it, in which case -- 15 MR. FARRELL: I'm moving to something 16 else. 17 MR. KUZMIN: Oh, okay. 18 MR. FARRELL: Mark this as the next, 63, 19 and the next one as 64. 20 (Whereupon, Defendant's Exhibits 63 and 21 64 were marked for identification.) 22 Q. So, Mrs. Wengerd, I've handed you what we've 23 marked as Exhibit 63, Defense Exhibit 63 and 64. 24 Exhibit 63 are the January 29, 2018 responses of 25 Donnette Wengerd, who is you, supplemental answers</p>

<p style="text-align: right;">Page 261</p> <p>1 to BASF Catalysts' first set of interrogatories, 2 and Number 64 is the January 29, 2018, your 3 responses to BASF's second set of interrogatories. 4 Do you see those in front of you? 5 A. Yes. 6 Q. Have you seen either of these documents before 7 today? 8 A. Yes, I think so. 9 Q. When did you see them? 10 A. I believe they were last provided to me at our 11 April meeting. 12 Q. So these are a new set from January of -- 13 A. I'm sorry. Not 64, but 63, I believe. 14 Q. Okay. 15 A. Was provided. 16 Q. So both of these -- Defense Exhibit 63 and 64 are 17 both dated January 29, 2018. 18 A. Oh. 19 Q. So one of them is a new set of answers and one of 20 them is the first time they were being answered. 21 A. Gotcha. 22 Q. So just to be clear, I'm not talking about the set 23 that was served probably a year ago. 24 A. Okay. Okay. I'm sorry. 25 Q. That's okay. Have you seen either of these</p>	<p style="text-align: right;">Page 263</p> <p>1 dispositions with any defendant named in your 2 mother's underlying case." Do you see that? 3 A. Yes. 4 Q. Number 10, which I think is two pages later, 5 "Identify all information provided to your mother 6 and her counsel by counsel for Engelhard in her 7 underlying case." Do you see that one? 8 A. Yes. 9 Q. Number 11 on the next page asks about the process 10 behind dismissal of your mother's case. Do you 11 see that? 12 A. Yes. 13 Q. And then 12, shortly below that, "Describe all 14 efforts made by your mother and her counsel in her 15 underlying case to develop and prosecute her 16 claims." Do you see those? 17 A. Yes. 18 Q. Each of these responses say that you don't have 19 any personal knowledge of the facts requested by 20 the interrogatories; is that correct? 21 A. Correct. 22 Q. Okay. So no personal knowledge that responds to 23 interrogatory number 1? Feel free to take a look 24 if you'd like. 25 A. So the interrogatory to number 1 is correct.</p>
<p style="text-align: right;">Page 262</p> <p>1 documents before? 2 A. Well, now that I've confused them all, I want to 3 say I don't remember because they're all bleeding 4 into each other. I would have to compare them to 5 the ones that I received in my e-mail. 6 Q. Okay. My question for you is this: Has anyone at 7 the Cohen Placitella firm sent what we've marked 8 as Defense Exhibit 63 or Defense Exhibit 64 to you 9 for your review? 10 A. I think so, but I would, again, have to check my 11 e-mail to compare them to what's in there. 12 Q. Okay. You're not sure? 13 A. Right. 14 MR. KUZMIN: Object to form. 15 Q. If you turn to Defense Exhibit 63, these are your 16 supplemental responses to BASF's first set of 17 interrogatories. Do you see interrogatory number 18 1? Unfortunately, the pages are not numbered. 19 A. Okay. 20 Q. This asked about identifying all persons with 21 knowledge relating to your claims. Do you see 22 that? 23 A. Yes. 24 Q. And then number 4, which is on the next page, 25 "Identify all resolutions of claims or</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. Okay. So that means in response to number 1, 2 which asks you to identify all persons with 3 knowledge relating to your claims in the Williams 4 case against BASF, you don't have any personal 5 knowledge that's responsive to that question, 6 correct? 7 A. No. 8 Q. Okay. How about number 4? Do you want to take a 9 look at that one? 10 A. Number 4 is correct. 11 Q. Okay. So on number 4, again, no personal 12 knowledge of the list of settlements or 13 dispositions with any defendant in your mother's 14 underlying asbestos case? 15 A. Right. All that information would have been 16 maintained by my attorney, Mr. Bevan. 17 Q. Okay. How about number 10? 18 A. That is correct. 19 Q. So you have no personal knowledge of any of the 20 information that was provided to Mr. Bevan's firm 21 by BASF in connection with your mother's 22 underlying asbestos case? 23 A. Correct. 24 Q. How about number 11? Can you take a look at 11? 25 A. That is correct. I have no personal information.</p>

<p style="text-align: right;">Page 265</p> <p>1 Q. So no personal knowledge -- withdrawn.  2 You have no personal knowledge of the  3 process behind your mother's dismissal of her case  4 against BASF, correct?  5 A. That's correct.  6 Q. No personal knowledge of the reasons your mother's  7 case against BASF was dismissed?  8 A. Correct.  9 Q. It says in response -- in your response to  10 interrogatory number 11, "I do not have personal  11 information responsive to this request because I  12 was not part of the process or decision." That's  13 correct?  14 A. Correct.  15 Q. So you weren't involved in any of the briefing  16 that was submitted to the court related to BASF's  17 motion for summary judgment in your mother's  18 underlying asbestos case?  19 A. Correct.  20 Q. You had no communications with anyone at the Bevan  21 firm regarding the reasons the Bevan firm sued  22 BASF in your mother's underlying case?  23 A. Correct.  24 Q. You had no communications with anyone at the Bevan  25 firm regarding correspondence from BASF's lawyers</p>	<p style="text-align: right;">Page 267</p> <p>1 describing?  2 A. That's correct.  3 Q. Do you have any knowledge of any communication  4 between you and anyone at the Bevan firm regarding  5 BASF's motion for summary judgment in your  6 mother's asbestos case?  7 A. No.  8 Q. Did you have any communication with anyone at the  9 Bevan firm regarding the opposition brief that was  10 filed on your mother's behalf in response to  11 BASF's motion for summary judgment in your  12 mother's asbestos case?  13 MR. KUZMIN: And, Peter, for this line of  14 questioning, you're talking about as it  15 happened, in that time period? Is that fair?  16 MR. FARRELL: Yes.  17 MR. KUZMIN: Okay.  18 A. I don't remember. I don't think so.  19 Q. And let me try to make it more precise --  20 MR. KUZMIN: Thank you.  21 Q. -- in response to what Mr. Kuzmin said. In the  22 time period 2008, 2009, while there was active  23 litigation in your mother's asbestos case, did you  24 have any communications with anyone at the Bevan  25 firm regarding the opposition brief that Mr. Bevan</p>
<p style="text-align: right;">Page 266</p> <p>1 to Mr. Bevan concerning your mother's asbestos  2 case, correct?  3 A. Correct.  4 Q. You had no communications with anyone at the Bevan  5 firm regarding the motion for summary judgment  6 that your mother filed -- withdrawn.  7 You had no communications with anyone at  8 the Bevan firm regarding the motion for summary  9 judgment that BASF filed in your mother's asbestos  10 case?  11 A. Unless it would have been something that would  12 have been provided to me once it was closed,  13 that's correct.  14 Q. What do you mean by something that would have been  15 provided to you once it was closed?  16 A. Just that if there was any letter saying we've  17 applied for this and it was -- it did not go  18 through, something of that nature may have been  19 provided. But again, you would have to go to my  20 attorney, Mr. Bevan's office, for any copy of  21 correspondence.  22 Q. Okay.  23 A. But not to my knowledge. I don't remember.  24 Q. You don't have any knowledge of a letter or an  25 e-mail or a document like the one you're just</p>	<p style="text-align: right;">Page 268</p> <p>1 filed in response to BASF's motion for summary  2 judgment?  3 A. I don't know.  4 Q. You don't know or there weren't any?  5 A. I don't know. I don't remember. Mr. Bevan would  6 have to provide such documents if they exist.  7 Q. Do you remember any such communications?  8 A. No.  9 Q. Did you have any communication with anyone at the  10 Bevan firm regarding the reply brief that BASF  11 filed in connection with its motion for summary  12 judgment in your mother's asbestos case?  13 A. I don't remember.  14 MR. KUZMIN: Again, at the time it was  15 filed?  16 A. I don't remember.  17 Q. Did you have any communications with anyone at the  18 Bevan firm about the court's decision granting  19 BASF's motion for summary judgment?  20 A. You're asking me if there were communications,  21 like written communications?  22 Q. Communications of any sort.  23 A. I think verbal communications, and that was part  24 of why Mr. Bevan introduced me to Mr. Placitella,  25 was explaining that it was -- that part of that</p>



<p style="text-align: right;">Page 269</p> <p>1 process and then why I was then being referred to 2 him. 3 Q. So you're speaking about the conversation from 4 shortly before the Williams case was filed? 5 A. Right. 6 Q. In 2008 or 2009, at the time the court made its 7 decision on BASF's motion for summary judgment, 8 did you have any communications with anyone from 9 the Bevan firm about the court's decision? 10 A. I don't remember. 11 Q. As you sit here today, you're not aware of any 12 communications between you and anyone at the Bevan 13 firm regarding the court's decision granting 14 BASF's motion for summary judgment? Again, from 15 the 2008, 2009 time period. 16 A. Correct. I don't remember. 17 Q. Can you turn to interrogatory number 12 and take a 18 look at that one? 19 A. Okay. This looks correct. 20 Q. Okay. It's correct that you have no personal 21 knowledge of the efforts made by Mr. Bevan to 22 develop or prosecute her claims against BASF in 23 her underlying asbestos case? 24 A. That's correct. 25 Q. On the second page of your supplemental response</p>	<p style="text-align: right;">Page 271</p> <p>1 me about? 2 A. No. 3 Q. No writings? 4 A. No. 5 Q. E-mails? 6 A. No. 7 Q. Memos? 8 A. No. 9 Q. Oral discussions? 10 A. No. 11 (Whereupon, Defendant's Exhibit 65 was 12 marked for identification.) 13 Q. Mrs. Wengerd, I've handed you what we've marked as 14 Defense Exhibit 65. This is the retention letter 15 that you signed on November 22nd, 2008 with 16 Mr. Bevan; is that correct? 17 A. Yes. 18 Q. That's your signature at the bottom? 19 A. Yes. 20 Q. In the second paragraph of your retention letter 21 with Mr. Bevan, the second sentence says, "Only 22 client may accept an offer of settlement made by 23 any defendant or person against whom a claim is 24 made." Do you see that? 25 A. The third paragraph?</p>
<p style="text-align: right;">Page 270</p> <p>1 to interrogatory number 12, you see there's a 2 number of bullets listing letters from 1992 and 3 then into 1993, I think? 4 A. Right. 5 Q. Have you seen any of the letters that are listed 6 in the bullets in your supplemental response to 7 BASF's interrogatory number 12? 8 A. I don't think so. I'm not sure. 9 Q. Do you know why those letters from 1992, 1993, and 10 1996 relate to your mother's asbestos case? 11 A. No. 12 MR. KUZMIN: Object to form. You can 13 answer it. 14 A. No. I'm sorry, I don't. 15 Q. Have you discussed with Mr. Bevan, in words or in 16 substance, what he would have recommended to you 17 as an amount of settlement with BASF if he had 18 known in 2008 or 2009 what he knows today about 19 EMTAL talc? 20 MR. KUZMIN: Object to form. You can 21 answer it. 22 A. No. 23 Q. Are there any communications you've had with 24 Mr. Bevan about your mother's asbestos case and 25 her claims against BASF that you haven't yet told</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Second paragraph. 2 MR. KUZMIN: Right there. (Indicating.) 3 A. Oh, I'm sorry. I see it. 4 Q. Does Mr. Bevan or someone from the Bevan firm 5 contact you each time they're about to enter into 6 a settlement to ask you whether you accept or 7 reject the settlement? 8 MR. KUZMIN: Object to form. You can 9 answer it. 10 A. I don't know. Because so many of what they apply 11 for are sometimes bankruptcies and things like 12 that, it's not necessarily something that -- it's 13 not an offer that's made necessarily. It's 14 something that you apply for. I'm sent paperwork 15 to sign and return, which I do, but no, not 16 necessarily that I recall. 17 Q. Can you recall any instance in which someone from 18 the Bevan firm contacted you about a settlement 19 with a defendant in your mother's asbestos case 20 asking you whether you accept or reject the 21 settlement offer? 22 A. I don't remember. 23 MR. KUZMIN: Object to form. You can 24 answer it. 25 A. I don't remember.</p>



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<p style="text-align: right;">Page 273</p> <p>1 Q. When entering into settlements with defendants in 2 your mother's asbestos case, is that something you 3 defer to Mr. Bevan on? 4 A. Yes. 5 Q. Has he ever made recommendations one way or the 6 other as to whether to settle a particular claim 7 for a particular dollar amount? 8 A. I'm not sure. 9 Q. Can you think of any instance of that occurring? 10 A. No. 11 Q. Have you ever told Mr. Bevan not to accept an 12 offer to settle one of the cases - withdrawn. 13 Have you ever told Mr. Bevan not to 14 accept an offer to settle a claim against one of 15 the defendants in your mother's asbestos case? 16 A. Not that I - 17 MR. KUZMIN: Object to form. You can 18 answer it. 19 A. Not that I recall. 20 Q. Have you ever told Mr. Bevan that an offer to 21 settle was not large enough? 22 MR. KUZMIN: Object to form. You can 23 answer. 24 A. No, I don't think so. 25 Q. If Mr. Bevan asked a defendant to pay a particular</p>	<p style="text-align: right;">Page 275</p> <p>1 regarding the underlying claims. Do you see that? 2 A. Yes. 3 Q. So we've gone through the documents that were 4 produced on your behalf and tried to identify all 5 of the documents referenced in that answer. I've 6 now pre-marked the ones we've identified. I'm 7 going to show them to you now. I just want to get 8 your take on whether there are other documents out 9 there that we haven't found, and so that's what I 10 was trying to pre-mark so we could try to do this 11 more quickly. 12 A. Okay. 13 Q. So the court reporter is going to hand you a stack 14 of documents which we've pre-marked as Defense 15 Exhibit 66 through 102, I believe. 16 A. Okay. 17 Q. So Defense Exhibit 66, which you have in front of 18 you, is a chart that we created to try to identify 19 all of the settlement-related documents that were 20 produced on your behalf. Do you see that? And 21 then the stack behind it, Defense Exhibit 67 22 through 102, are the documents themselves. 23 So Defense Exhibit 67 is a settlement 24 with A-Best Asbestos Settlement Trust. Do you see 25 that?</p>
<p style="text-align: right;">Page 274</p> <p>1 amount of money in settlement, you'd defer to him 2 on that? 3 A. That is correct. 4 Q. If he asked the defendant to pay a particular 5 amount in settlement, you'd consider that amount 6 to be a reasonable settlement? 7 A. That is correct. 8 Q. Why don't we take five minutes. I'm just going to 9 pre-mark a bunch of stuff so hopefully we can just 10 plow through them. 11 MR. KUZMIN: Sure. 12 MR. FARRELL: Off the record. 13 (Recess was taken.) 14 (Whereupon, Defendant's Exhibits 66 15 through 102 were marked for identification.) 16 MR. FARRELL: Back on the record. 17 BY MR. FARRELL: 18 Q. Mrs. Wengerd, if you turn back to Defense 19 Exhibit 63, these are your supplemental answers to 20 BASF's first set of interrogatories. 21 A. Uh-huh. 22 Q. Interrogatory number 4, which we looked at a few 23 minutes ago, your response said you have no 24 personal information and then the response is BASF 25 has referred to documents produced by counsel</p>	<p style="text-align: right;">Page 276</p> <p>1 A. Yes. 2 Q. The amount of \$5,307? 3 A. Yes. 4 Q. Defense Exhibit 68 is a settlement with APG 5 Asbestos Trust. And you'll see we tried to mark 6 all of these on the chart that's been marked as 7 66. 8 A. Yes. 9 Q. Defense Exhibit 69 is a settlement with Armstrong 10 World Industries. Defense Exhibit 70 is a copy of 11 a check and settlement, again related to Armstrong 12 World Industries. 13 Defense Exhibit 71 is a settlement with 14 Babcock &amp; Wilcox Company. Defense Exhibit 72 15 relates to a settlement with Celotex. 16 A. Uh-huh. 17 Q. Defense Exhibit 73 again relates to compensation 18 paid by the Celotex Asbestos Settlement Trust. 19 Seventy-four relates to compensation paid by DII 20 Industries Asbestos Settlement Trust. Defense 21 Exhibit 75 is a document related to compensation 22 paid by Fiberboard U.S. Gypsum. 23 Defense Exhibit 76 relates to settlement 24 of \$120,000 paid by Garlock and OI, which I 25 presume is Owens Illinois. Defense Exhibit 77</p>

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<p style="text-align: right;">Page 277</p> <p>1 relates to a settlement with Garlock Sealing 2 Technologies. Defense Exhibit 78 is another 3 document related to Garlock Sealing Technologies 4 settlement. Defense Exhibit 79 relates to 5 settlement with General Electric. 6 Defense Exhibit 80 relates to \$4,404.42 7 from Goodrich Corporation. Defense Exhibit 81 8 relates to \$62,227.51 paid by Halliburton. 9 Defense Exhibit 82 relates to settlement with JM 10 and Goodrich in the amount of \$36,250. Defense 11 Exhibit 83 is another document related to 12 settlement monies paid by Johns Manville. 13 Eighty-four relates to settlement payment of 14 \$24,721 from Kaiser. Eighty-five, another 15 document related to settlement with Kaiser. 16 Eighty-six is a check related to 17 settlement monies paid by Mahoning Valley Supply. 18 Eighty-seven, another document related to 19 settlement paid by Mahoning Valley Supply. 20 Eighty-eight relates to \$63,447.96 paid in 21 settlement by National Gypsum and Armstrong. 22 Eighty-nine relates to \$26,611.25 paid by OC, 23 which is presumably Owens-Corning. 24 Number 90 is another document related to 25 settlement with Owens-Corning. Number 91, another</p>	<p style="text-align: right;">Page 279</p> <p>1 MR. KUZMIN: Okay. 2 MR. FARRELL: On 66, if an attorney fee 3 wasn't specified, I believe we estimated 4 30-something percent. 5 MR. KUZMIN: Okay. 6 MR. FARRELL: Which seemed to be the case 7 for the other documents. 8 MR. KUZMIN: Not a problem. Just wanted 9 to be sure. Thank you. 10 Q. So having now gone through all of those, are you 11 aware of any settlements relating to your mother's 12 asbestos case or submissions to bankruptcy trusts 13 that we didn't just walk through in Defense 14 Exhibits 67 through 102? 15 MR. KUZMIN: Object to form. You can 16 answer it. 17 A. No, I don't think so. 18 Q. Defense Exhibit 66, which was BASF's effort to try 19 to catalog all of those settlements, you see it 20 lists on two pages settlements with A-Best, APG, 21 so on and so forth with a date of payment and 22 dollar amounts? 23 A. Yes. 24 Q. Does this chart look accurate and complete to you? 25 MR. KUZMIN: Object to form. You can</p>
<p style="text-align: right;">Page 278</p> <p>1 document related to settlement with Owens-Corning. 2 Ninety-two, another document related to 3 Owens-Corning settlement. Ninety-three, a 4 document related to settlement with Fiberboard. 5 Ninety-four, a copy of a check and a letter 6 concerning settlement with Owens Illinois. 7 Ninety-five, a document concerning 8 settlement monies paid by Pilbrico Asbestos Trust. 9 Ninety-six relates to \$149,129.69 paid by Raytech. 10 Ninety-seven is a document concerning settlement 11 monies paid by Federal-Mogul. Ninety-eight is a 12 documented related to settlement with Travelers. 13 Ninety-nine, another document related to 14 settlement of \$23,379.52 from Travelers. 100, 15 another document related to settlement with T&amp;N. 16 101, document related to settlement with 17 Owens-Corning. And 102, a document related to 18 settlement with U.S. Gypsum. 19 MR. KUZMIN: Before you get into more 20 specifics, just with regard to 66, do you 21 stipulate that to the extent that attorneys' 22 fees are not reflected into the documents 23 corresponding to this chart, that they are 24 estimates from your office? 25 MR. FARRELL: That is correct.</p>	<p style="text-align: right;">Page 280</p> <p>1 answer it. 2 A. I don't know without scrutinizing and comparing it 3 to the documents you just went over that quickly. 4 Q. Based on our review of the documents, it looked to 5 us as though the total amount of settlement monies 6 paid to date was \$1,389,290.62. Does that number 7 sound correct to you? 8 MR. KUZMIN: Object to form. The 9 documents speak for themselves. You can 10 answer it. 11 A. I don't know. I've never added all of it up. 12 Q. Do you have any basis to dispute that number? 13 A. No. 14 Q. Several of the documents we just walked through 15 and that we logged on our Defense Exhibit 66 date 16 back to 2008 and then some of them come later, 17 correct? 18 A. Correct. 19 Q. Is it fair to say you were still receiving 20 settlement monies from other parties even after 21 the Williams case was filed, correct? 22 A. Correct. 23 Q. As recently as 2016 you've been receiving 24 settlement money from other companies, correct? 25 A. That is correct.</p>

<p style="text-align: right;">Page 281</p> <p>1 Q. Do you have any other bankruptcy trust claims that 2 are pending and you haven't received final word 3 yet back from those trusts? 4 A. I have no idea. 5 Q. So it's possible that more settlement monies will 6 be paid to you at some point in the future? 7 A. I have no idea. 8 MR. KUZMIN: Object to form. 9 Q. Do you know when each of these bankruptcy trust 10 claims were filed on your behalf? 11 A. No. 12 Q. It's fair to say you've had claims related to your 13 mother's asbestos exposure essentially pending 14 since 2008 when her original case was filed, 15 correct? 16 MR. KUZMIN: Object to form. You can 17 answer it. 18 A. Pending. I'm not sure what you mean by pending. 19 Q. Was there any -- I'm looking here and I see 20 settlements paid in 2009, 2010, 2011, 2012. 21 A. I don't know if they were pending in 2008 or if 22 they were filed in 2009, 2011, 2012. But yes, 23 there were still things that my attorney was 24 working on and working through. 25 Q. All I'm trying to get at, Mrs. Wengerd, is that</p>	<p style="text-align: right;">Page 283</p> <p>1 attorney to advise. 2 Q. Okay. But your understanding is that these are 3 all companies who are responsible in some way for 4 asbestos-containing products? 5 A. Yes. 6 Q. It's fair to say then that some factor other than 7 whether a product contained asbestos influences 8 the amount of compensation paid in settlement? 9 MR. KUZMIN: Object to form. You can 10 answer it. 11 A. I don't know what influences the variations in 12 compensation. I don't know how that's equated. 13 Q. If they all are responsible for 14 asbestos-containing products and they're paying 15 different amounts in settlement, it's fair to say 16 something other than the fact that their products 17 contained asbestos has influenced the settlement 18 amount in some way? 19 MR. KUZMIN: Object to form. You can 20 answer it. 21 A. It's possible. I don't know. 22 Q. We didn't see in any of the documents that were 23 produced to us concerning settlements any 24 settlement with a manufacturer of talc. Have you 25 received compensation from any talc company</p>
<p style="text-align: right;">Page 282</p> <p>1 since 2008, you've basically been in the active 2 process of trying to seek compensation for your 3 mother's exposure to asbestos, correct? 4 A. That is correct. 5 Q. So there was either a formal litigation pending or 6 bankruptcy trust claims being filed since 2008 7 through today? 8 A. Correct. 9 Q. Do you know why some of these settlements are just 10 a few thousand dollars while others are as much 11 as, looks like \$150,000? 12 A. No. 13 Q. Do you know whether all of these companies that 14 have paid you compensation had asbestos in their 15 product? 16 A. That is my understanding. 17 Q. So all of the companies who have paid you 18 settlements so far had asbestos in their products, 19 correct? 20 MR. KUZMIN: Object to form. You can 21 answer it. 22 A. I don't know. I don't know. My -- my 23 understanding is that they do, but I have not 24 analyzed each of their products. That's something 25 I would again have to ask you to refer to my</p>	<p style="text-align: right;">Page 284</p> <p>1 because of your mother's exposure to asbestos? 2 MR. KUZMIN: Object to form. You can 3 answer it. 4 A. I'm not sure because I'm not sure exactly which of 5 these companies produce only talc or just talc 6 contained within their product. 7 (Whereupon, Defendant's Exhibit 103 was 8 marked for identification.) 9 Q. So I've handed you what we've marked, 10 Mrs. Wengerd, as Defense Exhibit 103. This is a 11 copy of a document that was produced to us by the 12 Bevan firm, which is an excerpt or a portion of a 13 database that they maintain related to your 14 mother's asbestos case and documents of a variety 15 of facts, including settlements that they've 16 entered into on your behalf. Have you ever seen 17 this document or something like it before? 18 A. No. 19 Q. If you turn to -- do you see down in the bottom 20 right-hand corner there's a Bates number there? 21 The first page is P-WMS-0012635? 22 A. Yes. 23 Q. If you turn to the page that has the Bates number 24 P-WMS-0012642, around 40 percent down on the page 25 do you see two line entries? One says "Talc check</p>

<p style="text-align: right;">Page 285</p> <p>1 number" and the other says "Talc check amount"?</p> <p>2 A. Yes, I see.</p> <p>3 Q. And in the row for "Talc check amount," it says</p> <p>4 zero. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Would you have any reason to dispute that you've</p> <p>7 received no settlement monies from any talc</p> <p>8 company in connection with your mother's asbestos</p> <p>9 case?</p> <p>10 MR. KUZMIN: Object to form. You can</p> <p>11 answer it.</p> <p>12 A. I have no reason to dispute what's on the sheet.</p> <p>13 Q. To your knowledge, have you received settlement</p> <p>14 monies from a company called Southern Talc</p> <p>15 Company?</p> <p>16 A. I don't know.</p> <p>17 Q. To your knowledge, have you received settlement</p> <p>18 monies from a company called RT Vanderbilt?</p> <p>19 A. I don't know. The name sounds familiar, but I</p> <p>20 don't know.</p> <p>21 Q. Have you received settlement money from a company</p> <p>22 called Georgia Talc?</p> <p>23 A. I don't know.</p> <p>24 Q. Mr. Bevan would know the answers to those</p> <p>25 questions?</p>	<p style="text-align: right;">Page 287</p> <p>1 A. Is that the small page numbers?</p> <p>2 Q. Yes. Sorry.</p> <p>3 A. Okay. I'm there.</p> <p>4 Q. So page 35, lines 17 through 25, your mother was</p> <p>5 responding to questions that Mr. Bevan was asking</p> <p>6 her. So you see at line 17 it says, by Mr. Bevan,</p> <p>7 question, "Jennifer, earlier in your testimony you</p> <p>8 mentioned talc. Do you recall that?" Answer,</p> <p>9 "Yes, I do." Question, "Do you recall the names</p> <p>10 of that talc?" Answer, "I associate that name</p> <p>11 with Vanderbilt." Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. So in your mother's original case, she identified</p> <p>14 Vanderbilt as the company whose talc she was</p> <p>15 exposed to, correct?</p> <p>16 MR. KUZMIN: Objection. Document speaks</p> <p>17 for itself. You can answer.</p> <p>18 A. Yes.</p> <p>19 Q. No mention of EMTAL talc there?</p> <p>20 MR. KUZMIN: Object to form. You can</p> <p>21 answer.</p> <p>22 A. Correct.</p> <p>23 Q. Your mother didn't identify EMTAL talc as a brand</p> <p>24 of talc she was exposed to at all, correct?</p> <p>25 MR. KUZMIN: Object to form. You can</p>
<p style="text-align: right;">Page 286</p> <p>1 A. That's correct.</p> <p>2 MR. KUZMIN: Object to form. You can</p> <p>3 answer.</p> <p>4 Q. And you remember – I'll ask you if you remember.</p> <p>5 Do you remember at your April 2017 deposition we</p> <p>6 talked about your mother's deposition testimony</p> <p>7 from 2008 in her asbestos case?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall that? And I think you told me at</p> <p>10 the time that you were with your mother for each</p> <p>11 day of her deposition testimony; is that correct?</p> <p>12 A. Correct. Yes.</p> <p>13 Q. And we marked her testimony as an exhibit last</p> <p>14 time. It was Defense Exhibit 43. I have another</p> <p>15 copy for you.</p> <p>16 A. Okay.</p> <p>17 MR. KUZMIN: Is this the June 24th?</p> <p>18 Q. So this is Defense Exhibit 43, which is the July</p> <p>19 3rd, 2008 session of your mother's deposition in</p> <p>20 her asbestos case. Do you remember when you and I</p> <p>21 were together in April of 2017, I turned your</p> <p>22 attention to page 35 of this deposition?</p> <p>23 MR. KUZMIN: I'm sorry. I am going to</p> <p>24 need a copy. I only grabbed the first two.</p> <p>25 Sorry about that.</p>	<p style="text-align: right;">Page 288</p> <p>1 answer.</p> <p>2 A. She didn't indicate that in this, that is correct.</p> <p>3 Q. You agree that your mother was exposed to talc</p> <p>4 sold by Vanderbilt, correct?</p> <p>5 MR. KUZMIN: Object to form. You can</p> <p>6 answer.</p> <p>7 A. To my understanding, yes.</p> <p>8 Q. And you had evidence that your mother was exposed</p> <p>9 to talc sold by Vanderbilt, correct?</p> <p>10 MR. KUZMIN: Object to form. You can</p> <p>11 answer.</p> <p>12 A. Yes.</p> <p>13 Q. Were you aware that Vanderbilt, this talc company</p> <p>14 that your mother referred to, filed a motion for</p> <p>15 summary judgment in your mother's asbestos case?</p> <p>16 A. I – I don't know. Possibly. I believe it</p> <p>17 was – Vanderbilt sounds familiar.</p> <p>18 Q. In fact, I think I asked you about Vanderbilt a</p> <p>19 few minutes ago and you said –</p> <p>20 A. Yeah.</p> <p>21 Q. – they sounded familiar?</p> <p>22 A. Correct.</p> <p>23 Q. Do you know why they sound – can you think of why</p> <p>24 they sound familiar to you?</p> <p>25 A. Because they've been previously discussed.</p>

<p style="text-align: right;">Page 289</p> <p>1 (Whereupon, Defendant's Exhibit 104 was 2 marked for identification.) 3 Q. So I've handed you, Mrs. Wengerd, what we've 4 marked as Defense Exhibit 104. This is a document 5 from your mother's asbestos case. It's called 6 "Plaintiffs' Brief in Opposition to Motion for 7 Summary Judgment Filed by RT Vanderbilt, Inc." Do 8 you see that? 9 A. Yes. 10 Q. And it's signed by Jessica Bacon of the Bevan Law 11 Firm? 12 A. Yes. 13 Q. Do you know Ms. Bacon? 14 A. No, I don't think so. 15 Q. Have you ever dealt with her? 16 A. Not to my knowledge. 17 Q. Okay. It's fair to say, however, that RT 18 Vanderbilt moved for summary judgment in your 19 mother's asbestos case and the Bevan firm filed an 20 opposition to that motion? 21 MR. KUZMIN: Object to form. You can 22 answer it. 23 A. Yes. 24 Q. If you turn to page 29 of the Bevan firm's 25 opposition to RT Vanderbilt's motion for summary</p>	<p style="text-align: right;">Page 291</p> <p>1 A. Yes. 2 Q. And if you turn back to page 18 of Defense 3 Exhibit 104. 4 A. Okay. 5 Q. So on page 18 of the Bevan firm's opposition to 6 Vanderbilt's motion for summary judgment, do you 7 see heading 1, "Defendant RT Vanderbilt supplied 8 to Plaintiffs' work site"? 9 A. Yes. 10 Q. And then that first paragraph begins, quote, 11 "Defendant RT Vanderbilt has admitted selling 12 asbestos-containing talc to Goodyear Tire &amp; Rubber 13 Company where Jennifer Graham was employed. 14 According to answer to interrogatories supplied by 15 Defendant RT Vanderbilt between 1974 and 1980, 16 Defendant RT Vanderbilt sold 62,540 pounds of 17 asbestos-containing talc to Goodyear Tire &amp; Rubber 18 Company's Akron, Ohio, facility." Do you see 19 that? 20 A. Yes. 21 Q. So your lawyers had evidence that RT Vanderbilt's 22 talc, which was sold to Goodyear, where your 23 mother worked, contained asbestos, correct? 24 MR. KUZMIN: Object to form. You can 25 answer it.</p>
<p style="text-align: right;">Page 290</p> <p>1 judgment in your mother's asbestos case, do you 2 see there's a heading number 5? 3 A. You said page 29? 4 MR. KUZMIN: I thought you said 29. 5 Yeah. 6 Q. Twenty-three. 7 A. Yes. 8 Q. So page 23 of the Bevan firm's opposition to 9 Vanderbilt's motion for summary judgment in your 10 mother's asbestos case, do you see heading 5 says, 11 "Jennifer Graham was exposed to RT Vanderbilt 12 talc"? 13 A. Correct. 14 Q. And then towards the end of the first paragraph, 15 the Bevan brief says, quote, "Jennifer Graham gave 16 five days of deposition testimony in this case 17 before her death. Through this deposition 18 testimony one fact became abundantly clear. 19 Jennifer Graham was exposed to RT Vanderbilt's 20 asbestos-containing talc." Do you see that? 21 A. Yes. 22 Q. So it's clear that your lawyers had evidence that 23 your mother was exposed to Vanderbilt talc, right? 24 MR. KUZMIN: Object to form. You can 25 answer it.</p>	<p style="text-align: right;">Page 292</p> <p>1 A. Yes. 2 Q. If you then turn to page 19 of Defense 3 Exhibit 104, you see the second full paragraph 4 that begins, "This is an attempt"? 5 A. Yes. 6 Q. The second sentence of that paragraph on page 19 7 of the Bevan firm's opposition to Vanderbilt's 8 motion for summary judgment says, quote, "In 1983, 9 Defendant RT Vanderbilt had their talc analyzed by 10 McCrone Research Associates to see if their talc 11 contained asbestos. According to their own 12 letter, RT Vanderbilt talc contained in excess of 13 90 percent tremolite asbestos." Do you see that? 14 A. Yes. 15 Q. So the Bevan lawyers also had internal tests that 16 Vanderbilt had conducted showing that Vanderbilt's 17 talc contained asbestos? 18 MR. KUZMIN: Object to form. You can 19 answer it. 20 A. Yes. 21 Q. In fact, there's a footnote, too, at the bottom of 22 page 19 of the Bevan opposition brief. It says, 23 quote, "It should be noted that the talc is not 24 contaminated with tremolite, but that the 25 tremolite that they were selling was contaminated</p>

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<p style="text-align: right;">Page 293</p> <p>1 with talc, considering that their product was 90 2 percent tremolite." Do you see that? 3 A. Yes. 4 Q. So they're emphasizing the fact that there was a 5 lot of asbestos in Vanderbilt talc, correct? 6 MR. KUZMIN: Object to form. You can 7 answer it. 8 A. Yes. 9 Q. If you turn to page 20 of Defense Exhibit 104, the 10 first full paragraph, you see it starts with, 11 "Third"? 12 A. Uh-huh. Yes. 13 Q. That paragraph states -- begins, "Third, the Ohio 14 Division of Safety and Hygiene found that RT 15 Vanderbilt's talc at an Ohio job site contained 16 asbestos-formed tremolite." Do you see that? 17 A. Yes. 18 Q. And then down at the bottom of page 20 of Bevan's 19 opposition to Vanderbilt's motion for summary 20 judgment, there's a sentence that says, "Here OSHA 21 found Vanderbilt's talc to have asbestos in it as 22 well." Do you see that? 23 A. Yes. 24 Q. So the Bevan firm also had evidence of government 25 studies concluding that there was asbestos in</p>	<p style="text-align: right;">Page 295</p> <p>1 A. Yes. 2 Q. Given all of this evidence that the Bevan firm had 3 with respect to Vanderbilt's talc, what would have 4 been a reasonable amount of settlement to have 5 received from Vanderbilt to resolve your mother's 6 asbestos claim? 7 MR. KUZMIN: Object to form. You can 8 answer it. 9 A. I would not have a number without discussing with 10 my attorney. 11 Q. If Mr. Bevan asked Vanderbilt to pay a particular 12 number to settle your mother's case against 13 Vanderbilt, you'd defer to him on that? 14 A. That is correct. 15 MR. KUZMIN: Object to form. You can 16 answer it. 17 A. Sorry. That is correct. 18 Q. If Mr. Bevan asked Vanderbilt to pay a particular 19 amount of money to settle your mother's claim 20 against Vanderbilt, you'd think that was a 21 reasonable amount of money to receive in 22 settlement from Vanderbilt? 23 MR. KUZMIN: Object to form. You can 24 answer it. 25 A. That is correct.</p>
<p style="text-align: right;">Page 294</p> <p>1 Vanderbilt's talc, correct? 2 A. Yes. 3 MR. KUZMIN: Object to form. You've got 4 to give me a second. 5 THE WITNESS: Sorry. 6 Q. And if you turn to page 21, do you see the second 7 full paragraph that begins, "Sixth"? 8 A. Yes. 9 Q. Page 21, that paragraph states, quote, "Sixth, 10 Clifford L. Kitts, an assistant chemist at 11 Vanderbilt, was deposed on October 5, 1988," and 12 then it cites that deposition as Exhibit 10. And 13 then it goes on to state, quote, "Mr. Kitts 14 testified that he analyzed the ore from the 15 International Talc Mine and identified asbestos 16 fibers therein. The asbestos fibers were in the 17 form of tremolite, chrysotile and anthrophyllite." 18 Do you see that? 19 A. Yes. 20 Q. So the Bevan firm also had evidence of 21 Vanderbilt's scientists testifying in depositions 22 that there was asbestos in Vanderbilt's talc, 23 correct? 24 MR. KUZMIN: Object to form. You can 25 answer it.</p>	<p style="text-align: right;">Page 296</p> <p>1 Q. Knowing what you know today about BASF, Engelhard, 2 EMTAL talc, would you consider it reasonable to 3 receive the same amount of compensation from BASF 4 as you would have expected from Vanderbilt? 5 MR. KUZMIN: Object to form. You can 6 answer it. 7 A. No, not necessarily. 8 Q. Why do you say that? 9 A. Because I believe BASF fraudulently destroyed and 10 hid evidence. 11 Q. Let me ask my question a different way. If you 12 had in 2009 the evidence about EMTAL talc that you 13 say was hidden or destroyed, would you have 14 expected BASF to have paid your mother the same 15 amount of settlement as you would have expected RT 16 Vanderbilt to pay you in settlement? 17 MR. KUZMIN: Object to form. You can 18 answer it. 19 A. I don't know because I don't know what goes into 20 the equation as to -- as you've seen and said for 21 yourself, there's a variety of different payments. 22 I don't know what goes into that equation, and 23 it's something that I would have to defer to an 24 attorney. 25 Q. So with respect to RT Vanderbilt, you had evidence</p>



<p style="text-align: right;">Page 297</p> <p>1 that your mother was exposed to their talc,  2 correct?  3 A. Correct.  4 Q. You had evidence of their own internal documents  5 saying there was asbestos in the talc, correct?  6 A. Correct.  7 Q. That's the sort of evidence that the complaint in  8 this case alleges BASF didn't produce to you,  9 right?  10 A. That is correct.  11 Q. So Vanderbilt gave you what the complaint here  12 alleges BASF did not give you?  13 MR. KUZMIN: Object to form.  14 Q. Fair?  15 MR. KUZMIN: Oh, object to form. You an  16 answer it.  17 A. Correct.  18 Q. You had evidence of RT Vanderbilt scientists  19 testifying in their deposition that their talc  20 contained asbestos, right?  21 A. Correct.  22 Q. That's again another example of evidence that the  23 Williams complaint alleges was not provided to  24 Mr. Bevan in connection with your mother's case by  25 BASF, right?</p>	<p style="text-align: right;">Page 299</p> <p>1 Vanderbilt to pay in settlement to resolve your  2 mother's asbestos case against Vanderbilt?  3 A. No.  4 Q. Do you know how your mother's case against  5 Vanderbilt ended?  6 A. Not off the top of my head.  7 (Whereupon, Defendant's Exhibits 105 and  8 106 were marked for identification.)  9 Q. I think you have two documents in front of you  10 now, Mrs. Wengerd. One we've marked as Defense  11 Exhibit 105 and one we've marked as Defense  12 Exhibit 106. Do you have those in front of you?  13 A. Yes.  14 Q. So Defense Exhibit 105 is an e-mail chain. Up at  15 the top it says -- refers to your mother's name.  16 Do you see that, Jennifer Graham?  17 A. Yes.  18 Q. If you turn, the first page of this has Bates  19 stamp P-BEV-001014. Do you see that?  20 A. Yes.  21 Q. Can you turn to the page that has on the bottom  22 P-BEV-001017?  23 A. Yes.  24 Q. The first full paragraph on that page, this is an  25 e-mail from a man named Bruce Mandel. Do you see</p>
<p style="text-align: right;">Page 298</p> <p>1 A. Correct.  2 Q. Okay. So my question is, if BASF had given you  3 the internal tests like RT Vanderbilt did and BASF  4 had given you the deposition testimony like RT  5 Vanderbilt did, would it be reasonable to say BASF  6 and RT Vanderbilt would pay approximately the same  7 amount in settlement?  8 MR. KUZMIN: Object to form. You can  9 answer.  10 A. Not necessarily. Again, that's something that, A,  11 I'm not qualified to make that decision as to what  12 would have been a decent number or a decent amount  13 to settle. That's something I would have  14 discussed with my attorney. And the facts in the  15 case didn't go quite the way that you're asking.  16 You're asking me about a hypothetical. I'm not  17 going to give you a hypothetical answer. My  18 consistent answer has been that I would seek  19 counsel from my attorney.  20 Q. So whatever Mr. Bevan recommended is what you  21 would have done?  22 MR. KUZMIN: Object to form. You can  23 answer it.  24 A. Hypothetically, yes.  25 Q. Do you know how much money Mr. Bevan asked</p>	<p style="text-align: right;">Page 300</p> <p>1 it says, quote, "But I ask you to look at your  2 cases against my two clients, RT Vanderbilt and  3 Hart"? Do you see that?  4 A. Yes.  5 Q. So this is an e-mail from the lawyer who  6 represented Vanderbilt in your mother's asbestos  7 case, correct?  8 MR. KUZMIN: Object to form. You can  9 answer it.  10 A. Yes.  11 Q. If you look around halfway down in that paragraph,  12 do you see the sentence that begins, "It is, I  13 guess, unfortunate"?  14 A. Yes.  15 Q. It says, quote, "It is, I guess, unfortunate from  16 your side that my client was unwilling to respond  17 monetarily to your \$25,000 demand, but that is  18 life. Sometimes we settle, sometimes we don't.  19 You wouldn't have demanded only \$25,000 if you  20 didn't know that you had a very weak case against  21 RTV, if one at all." Do you see that?  22 A. Yes.  23 Q. Were you aware that Mr. Bevan demanded only  24 \$25,000 from RT Vanderbilt to settle your mother's  25 asbestos claim against Vanderbilt?</p>



<p style="text-align: right;">Page 301</p> <p>1 MR. KUZMIN: Object to form. You can 2 answer it. 3 A. I don't remember if he would have consulted me 4 about this. 5 Q. Do you have any basis to dispute that Mr. Bevan 6 asked RT Vanderbilt to pay \$25,000 to settle your 7 mother's claim against Vanderbilt? 8 A. No. 9 Q. Did Mr. Bevan discuss the \$25,000 settlement 10 demand with you? 11 A. I don't recall. 12 Q. Do you have any document, other writing from 13 anyone at the Bevan firm concerning potential 14 settlement with Vanderbilt company? 15 A. That would have to be provided by Mr. Bevan's 16 office. 17 Q. To your knowledge, does any document like that 18 exist? 19 A. I don't know. 20 Q. If you look at the other document I just gave you, 21 Defense Exhibit 106. 22 A. Yes. 23 Q. This is a copy of the docket sheet in your 24 mother's asbestos case. Do you see up at the top 25 it says, "Estate of Jennifer Graham versus</p>	<p style="text-align: right;">Page 303</p> <p>1 sentences say, quote, "The main issue presented to 2 court was whether Vanderbilt's talc product 3 contained asbestos. As of August 10, 2009, 4 Plaintiff failed to submit expert reports on 5 asbestos content. The experts' reports submitted 6 do not provide any explanation for the changes in 7 studies from NIOSH, the Bureau of Mines and OSHA. 8 Vanderbilt's motion for summary judgment is 9 granted." Do you see all that? 10 A. Yes. 11 Q. So you had evidence that your mother was exposed 12 to Vanderbilt's talc, evidence of asbestos in 13 Vanderbilt's talc, but the court dismissed your 14 case against Vanderbilt on summary judgment, 15 correct? 16 MR. KUZMIN: Object to form. Document 17 speaks for itself. Mischaracterization of 18 the document. You can answer the question. 19 A. Again, the document speaks for itself, that that 20 is what you read. 21 Q. That your - the court dismissed your case against 22 Vanderbilt despite the evidence you had of your 23 mother's exposure to Vanderbilt's talc and 24 evidence of asbestos in their talc, correct? 25 MR. KUZMIN: Same objection. You can</p>
<p style="text-align: right;">Page 302</p> <p>1 Goodyear Tire &amp; Rubber Company, et cetera," and 2 the case number is given CV-08-656405? 3 A. Yes. 4 Q. So this is filings and other information from your 5 mother's case, correct? 6 A. Yes. 7 Q. I asked you a few minutes ago about how your 8 mother's claims against Vanderbilt ended. Do you 9 remember that? 10 A. Yes. 11 Q. If you go down on the first page of Defense 12 Exhibit 106, you see the second entry that's dated 13 August 13th, 2009? It's maybe two-thirds of the 14 way down. 15 A. Yes. 16 Q. The second entry dated August 13th, 2009 says, 17 "Defendant RT Vanderbilt moves this court for an 18 order dismissing case. Vanderbilt's motion to 19 dismiss is converted to a motion for summary 20 judgment. Both Vanderbilt and Plaintiff argued 21 materials and evidence outside complaint. This 22 court converts motion to dismiss to a motion for 23 summary judgment." Do you see all that? 24 A. Yes. 25 Q. And then the next, I guess it's two or three</p>	<p style="text-align: right;">Page 304</p> <p>1 answer the question. 2 A. Yes. 3 MR. FARRELL: Why don't we take a 4 five-minute break and go off the record. 5 (Recess was taken.) 6 MR. FARRELL: Back on the record. 7 BY MR. FARRELL: 8 Q. So, Mrs. Wengerd, at the start of the day I had 9 been asking you a number of questions, several of 10 which Mr. Kuzmin objected to and instructed you 11 not to answer. We then had our discussion with 12 the Special Discovery Master where he told us to 13 go back to those same questions so that you could 14 answer them subject to a 502(d) order, not that 15 you need to know the details of it. Mr. Kuzmin 16 will know what that means. 17 MR. KUZMIN: For the most part, anyway. 18 Q. I'm going to go back to those questions so you can 19 respond to them fully and we'll figure out what we 20 need to figure out with the court. Okay? 21 A. Okay. 22 Q. So earlier today you were talking to me about the 23 meeting you had with Mr. Bevan, Mr. Coren, I think 24 Jared Placitella shortly before your April 2017 25 deposition. I asked you earlier today, what did</p>

<p style="text-align: right;">Page 305</p> <p>1 Mr. Bevan tell you at that meeting shortly before 2 your deposition? 3 MR. KUZMIN: Okay. Now, pursuant - as 4 Mr. Farrell stated, pursuant to our call with 5 the Special Master whereby Federal Rule of 6 Evidence 502(d) order was entered, 7 Ms. Wengerd may answer that question. I am 8 instructing her to do so without waiver of 9 the previously asserted privilege. So, 10 Ms. Wengerd, please answer the question. 11 A. The only thing that I recall discussing with 12 Mr. Bevan was general hello; how are your 13 children; your mom was such a nice lady; your 14 grandfather was such a funny guy; I really enjoyed 15 working with him during his case. 16 I don't recall any specific advice given 17 to me by Mr. Bevan regarding the Williams case. 18 He was just aware that I was there for a meeting 19 with Mr. Coren to discuss the case. I don't 20 recall him giving me any specific advice or us 21 discussing the Williams case. 22 Q. What, if anything, did Mr. Coren say while you 23 were there with Mr. Bevan? 24 MR. KUZMIN: Again, subject to the entry 25 of the 502(d) order by the Special Master</p>	<p style="text-align: right;">Page 307</p> <p>1 meeting at Mr. Bevan's office to just review what 2 was going to happen at a deposition and just to go 3 over checking in about the case in general. But 4 there was no actual exchange of information other 5 than generalities about meeting you here and about 6 having to go through a deposition. 7 Q. What did Mr. Bevan say? 8 A. I don't even recall anything specific that he said 9 other than acknowledging, oh, okay, good to know. 10 You know, basically where you're at in the case 11 and what's coming up. 12 Q. What did you say to Mr. Bevan during this 13 conversation? 14 A. Well, we - I told him about my children, because 15 he asked. I think we discussed my mom briefly of, 16 yeah, she was a great lady, I really miss her a 17 lot, things of that nature. But nothing that was 18 case specific. And we laughed about a joke my 19 grandfather made all those years ago about a dog 20 dying. That's it. 21 Q. What did you say to Mr. Coren while you were there 22 talking with Mr. Coren and Mr. Bevan? 23 A. I think Mr. Bevan told Mr. Coren that he 24 represented my grandfather and just told him that 25 joke while he was - Mr. Coren was there. And</p>
<p style="text-align: right;">Page 306</p> <p>1 earlier today, Ms. Wengerd may answer the 2 question without waiver of the previously 3 asserted privilege. Ms. Wengerd, please 4 answer the question. 5 A. From what I recall, the two just exchanged polite 6 pleasantries of hi, how you been, it's been a 7 while, comments of that nature. And the two 8 discussed that I was to have an upcoming 9 deposition, but no other information that I can 10 recall was discussed while Mr. Bevan was in the 11 room. 12 Q. When you say the two of them, you mean Mr. Coren 13 and Mr. Bevan? 14 A. Correct. 15 Q. When you say Mr. Coren and Bevan discussed the 16 fact that you were going to have an upcoming 17 deposition, can you elaborate on that? 18 MR. KUZMIN: Again, subject to the 19 previously asserted statement that I made, do 20 I have an agreement that this would now carry 21 over to this line of questioning? 22 MR. FARRELL: Yes. 23 MR. KUZMIN: Okay. 24 A. Just Mr. Coren letting Mr. Bevan know that I was 25 to have an upcoming deposition and that they were</p>	<p style="text-align: right;">Page 308</p> <p>1 just generally that my mom was such a nice lady 2 and it was just a shame what happened to her and 3 it was such a short time that we had to be with 4 her before we - before she passed. Basically, 5 that's all I remember. 6 Q. Did Mr. Bevan join you and Mr. Coren to discuss 7 your preparation for your April 2017 deposition? 8 A. No. 9 Q. He never came back into the room while you were 10 talking about deposition preparation? 11 A. No. 12 Q. I recall at your April 2017 deposition you told me 13 you met with them, by "them" I mean Mr. Coren and 14 Mr. Bevan, on the Tuesday before that deposition 15 and then you also told me there was another 16 meeting several weeks before that. 17 A. Correct. 18 Q. Do you remember that? 19 A. Yes. 20 Q. Okay. Who was at the meeting with Mr. Bevan and 21 Mr. Coren several weeks before your deposition? 22 A. Mr. Bevan, I'm - I can't remember if I saw him. 23 If I said I did at the time, then I did, but it 24 was only to exchange pleasantries of hello, how 25 have you been. He wasn't involved in any meeting.</p>

<p style="text-align: right;">Page 309</p> <p>1 That would have been the lady and the gentleman, 2 and I think her name was Kristen, and that was to 3 fill out the interrogatories. 4 Q. Okay. Did anyone from the Bevan firm participate 5 in that meeting regarding your responses to 6 interrogatories? 7 A. No. 8 Q. Was Kristen and Jared Placitella from – 9 A. I think so. 10 Q. And you? 11 A. Yes. 12 Q. Just the three of you? 13 A. Yes. 14 Q. Did anyone from the Bevan firm provide information 15 that went into your responses to those 16 interrogatories? 17 A. Not that I'm aware of. 18 Q. Have you contacted anyone at the Bevan firm to ask 19 them for information to respond to discovery 20 requests in this case? 21 A. No. 22 Q. During the meeting that was the Tuesday before 23 your deposition with Mr. Coren, Mr. Bevan and 24 Jared Placitella, were you shown any documents? 25 A. I don't think so.</p>	<p style="text-align: right;">Page 311</p> <p>1 to answer the question, and by answering is 2 not waiving any previously asserted 3 privilege. So you please answer the 4 question. 5 A. I was introduced to Mr. Coren and he explained 6 that BASF was a company that they had tried to 7 pursue and the case was thrown out, I believe, due 8 to lack of evidence and that Mr. Coren was 9 continuing to seek damages against BASF because 10 they feel that there was fraud that transpired 11 that prevented me from being able to pursue a case 12 against BASF. 13 Once he introduced me to Mr. Coren, 14 Mr. Bevan left and Mr. Coren, again, tried to 15 explain to me a little bit about what a class 16 action is, what my role would be. Just the 17 generalities of what the case was about. And 18 that's all I recall. 19 Q. What did they tell you the case was about? 20 MR. KUZMIN: Again, I think subject to 21 the 502(d), Ms. Wengerd, you can answer that. 22 A. The case, from my understanding and from what I 23 recall of them explaining to me, was that talc was 24 contaminated with asbestos or asbestos-containing 25 talc, whichever, and that it was present</p>
<p style="text-align: right;">Page 310</p> <p>1 Q. What about in the meeting with Jared Placitella 2 and Kristen from the Cohen Placitella firm, were 3 you shown any documents in that meeting? 4 A. The interrogatories. 5 Q. Anything else? 6 A. No. 7 Q. You also – we discussed earlier today that you 8 had a meeting with Mr. Bevan and Mr. Coren at 9 Mr. Bevan's office shortly before the Williams 10 case was filed. Do you remember that? 11 A. Yes. 12 Q. Does early 2011 sound correct? 13 A. I don't remember when, but that could be. 14 Q. It was shortly before the original complaint was 15 filed in this case? 16 A. Yes. 17 Q. Mr. Bevan was there, Mr. Coren was there. Anybody 18 else? 19 A. I don't think so. I don't recall. 20 Q. How long did that meeting last? 21 A. I don't recall. 22 Q. What did Mr. Bevan tell you at that meeting? 23 MR. KUZMIN: Okay. And again, subject to 24 the 502(d) order that was entered pursuant to 25 the Special Master, Ms. Wengerd is directed</p>	<p style="text-align: right;">Page 312</p> <p>1 with – at my mother's work and that she was 2 exposed or could have been exposed while she was 3 working there, and that we tried to pursue filing 4 against the company, but because of lack of 5 evidence, we couldn't and that the company 6 fraudulently destroyed and hid evidence which 7 prevented Mr. Bevan and myself from pursuing a 8 case. And that's why they were continuing to seek 9 justice through the legal system, to get justice 10 for my mother because there was fraud that 11 transpired. 12 Q. Did they talk to you about why you were going to 13 be a plaintiff in this case as opposed to some 14 other person who had filed a case against BASF in 15 the past? 16 MR. KUZMIN: Okay. Peter, I think we're 17 starting to get into conversations where 18 Mr. Bevan was not present. I don't know if 19 you want to clarify that or not. I think we 20 would clearly be into attorney-client 21 privilege if it was between Ms. Wengerd and 22 Mr. Coren or whoever was here. 23 Q. Let me try to be more precise. Mr. Bevan is who 24 referred you to the Cohen Placitella firm, 25 correct?</p>

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<p style="text-align: right;">Page 313</p> <p>1 A. Correct.</p> <p>2 Q. Did he contact you and say I'm referring you to</p> <p>3 this law firm or did you first just hear from</p> <p>4 Cohen Placitella out of the blue?</p> <p>5 A. I heard from Mr. -- from Mr. Bevan first.</p> <p>6 Q. Okay. When did that happen?</p> <p>7 A. Prior to my initial meeting with Mr. Coren.</p> <p>8 Q. Was this a meeting with Mr. Bevan or was it a</p> <p>9 phone call?</p> <p>10 A. I think it was a phone call.</p> <p>11 Q. Roughly when was that phone call?</p> <p>12 A. I don't remember.</p> <p>13 Q. What did Mr. Bevan tell you during this phone call</p> <p>14 about the referral to the Cohen Placitella firm?</p> <p>15 MR. KUZMIN: I think that this would be</p> <p>16 subject to attorney-client privilege.</p> <p>17 However, pursuant to the entry for the 502</p> <p>18 order by the Special Master, I will allow</p> <p>19 Ms. Wengerd to answer without waiving such</p> <p>20 privilege. Ms. Wengerd, please answer the</p> <p>21 question.</p> <p>22 A. Honestly, I'm not sure quite how the phone</p> <p>23 conversation went, just that he wanted me to come</p> <p>24 into the office and to meet with someone regarding</p> <p>25 my mom's case. I don't remember any specifics</p>	<p style="text-align: right;">Page 315</p> <p>1 Q. Did you say anything other than what you've</p> <p>2 already told me?</p> <p>3 A. Not that I remember.</p> <p>4 Q. So did Mr. Bevan tell you during this phone</p> <p>5 conversation how much this case could be worth?</p> <p>6 A. No.</p> <p>7 Q. So you had a phone call with Mr. Bevan. He</p> <p>8 explained I want you to come in and meet with some</p> <p>9 other lawyers, right?</p> <p>10 A. Correct.</p> <p>11 Q. And then the next thing that happened was this</p> <p>12 meeting with Bevan, Coren, and maybe Jared</p> <p>13 Placitella?</p> <p>14 A. No, I think I only met with Mr. Coren the first</p> <p>15 time. That's all I remember. I don't think I met</p> <p>16 Jared at that time.</p> <p>17 Q. So just Mr. Coren?</p> <p>18 A. Right.</p> <p>19 Q. What did Mr. Coren say to you during the portion</p> <p>20 of the meeting when Mr. Bevan was present?</p> <p>21 MR. KUZMIN: And again, to the extent</p> <p>22 there may be attorney-client privilege</p> <p>23 implicated subject to the 502(d) order,</p> <p>24 Ms. Wengerd may answer the question without</p> <p>25 waiver of the previously asserted privilege.</p>
<p style="text-align: right;">Page 314</p> <p>1 over the phone or prior to discussion other than</p> <p>2 my meeting there. And when I showed up for the</p> <p>3 meeting, I didn't have any expectations of what</p> <p>4 was going to transpire, so I got to meet Mr. Coren</p> <p>5 just as, you know, it was presented to me. I had</p> <p>6 no previous information about him, the firm, his</p> <p>7 case he was looking for, nothing.</p> <p>8 Q. During this phone call with Mr. Bevan, did he say</p> <p>9 why he wanted you in particular to meet with the</p> <p>10 Cohen Placitella firm?</p> <p>11 A. No, I don't think so.</p> <p>12 Q. Did Mr. Bevan talk to you about what you could</p> <p>13 expect to recover as damages in this case?</p> <p>14 A. No.</p> <p>15 Q. Did you ask Mr. Bevan any questions?</p> <p>16 A. Just if that was what he suggested I do and if he</p> <p>17 thought that was the best advice, was to work with</p> <p>18 Mr. Coren's firm and he did. He felt that it was</p> <p>19 a confident -- he was confident about the referral</p> <p>20 to this firm.</p> <p>21 Q. How long did this phone call last?</p> <p>22 A. Oh, no more than a few minutes, maybe.</p> <p>23 Q. Did Mr. Bevan say anything other than what you've</p> <p>24 already told me?</p> <p>25 A. Not that I remember.</p>	<p style="text-align: right;">Page 316</p> <p>1 So, Ms. Wengerd, please answer the question.</p> <p>2 A. The two just tried to explain to me what the</p> <p>3 referral was about and why they were referring my</p> <p>4 case is because they felt that in my particular</p> <p>5 case, I was unable to pursue a case because of the</p> <p>6 fraud issue, and that significantly impacted my</p> <p>7 mother's case.</p> <p>8 Q. Did they say anything else?</p> <p>9 MR. KUZMIN: Again, subject to the</p> <p>10 502(d), you can answer.</p> <p>11 A. No, other than generalities of trying to explain</p> <p>12 the case to me and what the case was about and why</p> <p>13 that they felt fraud transpired in my case and</p> <p>14 couldn't go forward. No.</p> <p>15 Q. You said before that they told you that something</p> <p>16 significantly impacted your mother's case. What</p> <p>17 did you understand them to mean by that?</p> <p>18 A. The fraud that transpired. The hiding and</p> <p>19 destruction of evidence by the law firm that was</p> <p>20 representing EMTAL and BASF, that they hid and</p> <p>21 destroyed evidence which again, therefore, when we</p> <p>22 asked for evidence or asked for documentation to</p> <p>23 be presented, it couldn't be because it had been</p> <p>24 destroyed or hidden.</p> <p>25 Q. Did they say anything else?</p>

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<p style="text-align: right;">Page 317</p> <p>1 MR. KUZMIN: Again, Peter, do I have a 2 502(d)? 3 MR. FARRELL: Yes. 4 MR. KUZMIN: Okay. Please answer the 5 question. 6 A. Not that I recall. 7 Q. Have you now told me everything that Mr. Coren 8 told you while Mr. Bevan was present? 9 A. Yes. 10 Q. Did you ask any questions of Mr. Coren while 11 Mr. Bevan was present? 12 A. I don't recall. 13 Q. Did you ask any questions of Mr. Bevan? 14 A. I don't recall. 15 Q. So we've talked about a meeting a couple of weeks 16 before your last deposition, a meeting right 17 before your last deposition, a phone call with 18 Mr. Bevan when he referred you to the Cohen 19 Placitella firm and then this initial meeting with 20 Mr. Coren and Mr. Bevan about this case, right? 21 A. Correct. 22 Q. Have you had any other communications with anyone 23 at the Bevan firm regarding the Williams case? 24 A. No, other than when I turned in the documents, 25 they were to be forwarded to the Placitella firm.</p>	<p style="text-align: right;">Page 319</p> <p>1 answers to? I mean, there's nothing that you 2 feel you've been precluded from asking or 3 getting an answer to subject to the 502 4 restrictions? Anything like that? 5 MR. FARRELL: I've asked the questions 6 that I asked earlier today -- 7 MR. KUZMIN: Right. 8 MR. FARRELL: -- that she was instructed 9 not to answer, so yes, I think I covered what 10 I wanted to cover today. 11 MR. KUZMIN: Okay. Very good. Is there 12 anyone on the phone who has anything? Not 13 hearing anything. Good to go? 14 MR. FARRELL: No questions from 15 Plaintiffs? 16 MR. KUZMIN: I have nothing. We'll 17 reserve. 18 ----- 19 (Signature was not waived by the Witness.) 20 ----- 21 (The deposition was concluded at 12:40 p.m.) 22 ----- 23 24 25</p>
<p style="text-align: right;">Page 318</p> <p>1 I dropped them off, and they knew it was in 2 regards to this matter, I'm sure. 3 Q. Did you discuss anything with anyone? 4 A. No. 5 Q. You just handed them the documents and that was 6 it? 7 A. Yeah. I told them this is what was asked of me to 8 drop off and that the Bevan firm would make sure 9 they got to where they needed to go, to the other 10 law firm. 11 Q. Without telling me what was said in the meeting, 12 have you had any other meetings with the Cohen 13 Placitella firm regarding the basis for the 14 Williams case, the facts underlying the case? 15 A. Not that I recall. 16 Q. So just that first meeting with Mr. Coren and 17 Mr. Bevan? 18 A. The first meeting and then the meeting to fill out 19 the interrogatories and the meeting prior to the 20 April deposition. That's all. 21 Q. Other than those three, that's it? 22 A. Correct. 23 Q. Okay. Okay. I think that's all I have. 24 MR. KUZMIN: Okay. You're satisfied that 25 the questions you've asked, you've gotten</p>	<p style="text-align: right;">Page 320</p> <p>1 WITNESS CERTIFICATE 2 3 I, DONNETTE WENGERD, do hereby certify that I have 4 read my deposition taken on March 12, 2018, in the case 5 of Kimberlee Williams, et al. Versus BASF Catalysts, 6 LLC, et al., consisting of 131 pages, and that said 7 deposition is a true and correct transcription of my 8 testimony with changes as noted on the errata sheet. 9 10 _____ 11 Donnette Wengerd 12 Dated this _____ day of _____, 2018. 13 14 15 Sworn to and subscribed before me this _____ 16 17 day of _____, 2018. 18 19 20 _____ 21 Notary Public 22 My commission expires _____. 23 24 25 AP</p>

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<p style="text-align: right;">Page 321</p> <p>1 ERRATA SHEET</p> <p>2 Witness Name: Donnette Wengerd</p> <p>3 Date of Deposition: March 12, 2018</p> <p>4 Case: Kimberlee Williams, et al. Versus BASF Catalysts, LLC, et al.</p> <p>5</p> <p>6 Page Line Change and Reason for Change</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p>AP</p>	
<p style="text-align: right;">Page 322</p> <p>1 CERTIFICATE</p> <p>2 STATE OF OHIO, )</p> <p>3 ) SS:</p> <p>4 SUMMIT COUNTY. )</p> <p>5 I, Anika W. Patrick, a Registered Merit Reporter, Certified Realtime Reporter and Notary Public within 6 and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named 7 Witness, DONNETTE WENGERD, was by me first duly sworn to testify the truth, the whole truth and nothing but 8 the truth in the cause aforesaid; that the testimony so given by her was by me reduced to Stenotypy in the 9 presence of said witness; afterwards prepared and produced by means of Computer-Aided Transcription, and 10 that the foregoing is a true and correct transcription of the testimony so given by her as aforesaid.</p> <p>11 I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.</p> <p>12 I do further certify that I am not a relative, 13 employee of or attorney for any party or counsel, or otherwise financially interested in this action.</p> <p>14 I do further certify that I am not, nor is the 15 court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio, this 13th 18 day of March, 2018.</p> <p>19</p> <p>20</p> <p>21 _____ Anika W. Patrick, RMR, CRR &amp; Notary Public My commission expires March 13, 2020</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



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